



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 26TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.830 of 2021

In the matter of the Indian
Succession Act, (Act XXXIX of
1925)

and

In the matter of the debts belonging
to K.Saraswathi @ Saraswathi
Kalyanam -deceased intestate

1. K.NITYA KALYANI,
W/o.A.N.Ravichandran,
D/o.Late R.Kalyanam,
Flat No.3A, Third Floor,
Block 6, Rani Meyyammai Towers,
M.R.C. Nagar, Raja Annamalai Puram,
Chennai - 600 028.

2. DR.K.SHIVKUMAR
S/o.Late.R.Kalyanam,
Door No.AL 31, (Old AL-120),
III Street, 12th Main Road,
Anna Nagar,
Chennai - 600 040.

..Petitioners

Original petition praying that this Hon'ble Court be pleased that a
Succession Certificate may be granted to the 1st Petitioner K.Nitya Kalyani
with power to collect the debts and to receive the interest as specified in the
schedule in the petition.



This Original Petition coming on this day before this court for hearing the court made the following order:

This Original petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, to grant succession certificate in favour of the first petitioner.

2. In the petition, it is stated that the deceased K.Saraswathi @ Saraswathi Kalyanam ordinarily resided at Flat No.3A, 3rd Floor, Block 6, Rani Meyyammal Towers, M.R.C.Nagar, Raja Annamalaipuram, Chennai -600 028 and died on 20.05.2020 and left the properties within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will, but none has been found. At the time of the death, the deceased left behind her daughter and son, the petitioners herein as her Class-I legal heirs. The husband of the deceased pre-deceased her. The petitioners, who claims to be entitled equal share of the estate of the deceased. The succession certificate is required for the purpose of claiming of the amount standing to the credit of the deceased for the value of Rs.67,68,458/-.

3.It is further stated that the 2nd petitioner has no objection for granting Succession Certificate in favour of the 1st petitioner and he has



also filed consent affidavit to that effect.

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4.The 1st petitioner examined herself as P.W.1 and marked the following documents viz., Exs.P1 to P7.

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	(series 4 Nos.) are the photocopies of the certificate of holdings issued by ICICI Bank standing in the name of Saraswathi Kalyanam
P2	Photocopy of the death certificate of Ramanathan Kalyanam
P3	Photocopy of the Legal Heirship certificate of R.Kalyanam
P4	Computer generated death certificate of K.Saraswathi
P5	Computer generated Legal Heirship certificate of K.Saraswathi
P6	Consent affidavit given by 2 nd petitioner
P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 04.03.2022.

5.From the evidence available on record, it is clear that K.Saraswathi @ Saraswathi Kalyanam died on 20.05.2020 leaving behind the petitioners as her surviving legal heirs. To prove the same Ex.P4/Death Certificate of the deceased and Ex.P5/Legal Heirship Certificate of the deceased were marked.

6.An averment has also been made in the petition that no application

<https://hcservices.ecourts.gov.in/hcservices/>

has been made to the District Court or delegate or to any High Court for



Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to her properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

7. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioners, I am satisfied that the 1st petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner with power to collect the debts and to receive interest as specified in the schedule.

Sd/.P.V.J.
26.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/02.05.2022

COURT OFFICER(O.S.)

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