

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

WEDNESDAY, THE 29TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.719 of 2019

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

and

In the matter of securities of
Mangalam (Deceased) Intestate

Chithra Ravi,
W/o.Ravi,
2/17, AVM Avenue,
2nd Main Road,
Virugambakkam,
Chennai-600 092

..Petitioner

This original petition praying that this Hon'ble court be pleased to grant a succession certificate in favour of the petitioner with power to collect the debts and to receive interest and to permit the petitioner to operate bank locker (as mentioned in the schedule) 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 Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2. It is the case of the petitioner that the deceased Mangalam is the petitioner's mother's sister, who died on 14.07.2017 as spinster. The mother of the petitioner was predeceased to deceased Mangalam. The father and mother of the deceased Mangalam were predeceased to her. The deceased Mangalam is the only sister of the petitioner's mother namely Visalakshi, who died on 06.12.1993. Further, the petitioner submitted that the said deceased Mangalam adopted the petitioner herein orally. However, for the purpose of adoption, there was no registered Deed of Adoption filed before this Court. The learned counsel for the petitioner referred to Section 15(1)(e) for the purpose of adoption of legal heirs. Section 15(1)(e) states as follows:

“15. General rules of succession in the case of female Hindus.

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16,—

- (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;
- (b) secondly, upon the heirs of the husband;
- (c) thirdly, upon the mother and father;
- (d) fourthly, upon the heirs of the father; and
- (e) lastly, upon the heirs of the mother.

3. Since the petitioner will not come under Section 15(1)(a) to (d), the learned counsel referred to 15(1)(e) stating that the deceased Mangalam and the petitioner's mother are the only legal heirs of petitioner's maternal grandfather. Therefore, the petitioner contended that she is the Class II legal heir of the deceased Mangalam. The petitioner is filing this petition for grant of Succession Certificate in favour of her. The total value of the assets will be for a sum of Rs.5,55,938/-/-.

3. It is further stated that other than the petitioner, there are no other relatives to succeed the estate as legal heirs. Therefore, the petitioner is entitled to succeed the estate of the said deceased Mangalam.

4. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in favour of her with power to collect securities and to receive interest, dividends thereon

and negotiate and transfer the securities specified in the petition schedule.

5. In order to prove her case, Mrs.Chithra Ravi, the petitioner herein, is examined as PW.1 and marked Exs.P1 to P5. Ex.P1 is the computer generated death certificate of T.Mangalam. Ex.P2 is the photocopy of the savings account bank pass book of State Bank of India bearing account no.10408503305, standing in the name of T.Mangalam. Ex.P3 is the photocopy of the bank pass book of the Tamilnadu State Apex Co-operative Bank Limited bearing account no.204042701, standing in the name of deceased T.Mangalam. Ex.P4 is a copy of paper publication effected in one issue of Tamil daily “Maalai Sudar” dated 06.03.2020. Ex.P5 is the photocopy of the letter dated 31.12.2015 addressed to the Manager, TNSC Bank, Anna Nagar Branch by the petitioner's adoptive mother. Despite the paper publication also, none has appeared and raised their objections.

6. Considering the averments made in the petition and the evidence tendered by PW.1 along with the documents marked as Exs.P1 to P5, this Court is satisfied that the petitioner has made out a case that she is entitled to succeed the Estate of the deceased T.Mangalam.

7. Accordingly, this Original Petition stands allowed as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is hereby issued.

Sd/.K.R.J.
29.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

su.14.07.2022

COURT OFFICER(O.S.)

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