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O.P.No.340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.340 of 2022

- 1.Worathur Anand,
Son of Late Mr.Worathur Somasundaram
and Late Mrs.W.S.Kannibai, Hindu,
aged about 56 years,
residing at No.13, M.G.R.Road,
Palavakkam,
Chennai-600 041.
- 2.Arun Ramesh, Wife of Mr.P.S.Ramesh
Daughter of Late Mr.Worathur Somasundaram
and Late Mrs.W.S.Kannibai, Hindu, aged about 54 years
residing at Old No.8, New No.15,
W.Square, Lime Light Apartments,
Second Main Road, Gandhi Nagar,
Adyar, Chennai-600 020.
- 3.Worathur Venkatesh,
Son of late Mr.Worathur Somasundaram
and Late Mrs.W.S.Kannibai, Hindu,
aged about 51 years, permanently residing
No.6144, Sophora Ln.Frisco, TX 75036,
United States of America,
Represented by his Elder Sister and
Special Power of Attorney Mrs.Aruna Ramesh
Wife of Mr.P.S.Ramesh,



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Daughter of late Mr.Worathur Somasundaram
and Late Mrs.W.S.Kannibai,
Hindu, aged about 54 years,
residing at Old No.8, New N.15,
W.Square, Lime Light Apartments,
Second Main Road,
Gandhi Nagar, Adyar,
Chennai-600 020

... Petitioners

PRAYER: Original Petition filed under Part X Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the Petitioners with power to collect the debts and to receive the interest specified in the Schedule hereto and to open the locker.

For Petitioners : Mr.S.Mahimai Raj

ORDER

The petitioners seek the issuance of a succession certificate in respect of the assets described in the schedule to this petition upon the demise of their mother.

2. The petitioners state that they are the children of W.S.Kannibai. She died on 06.03.2018 and ordinarily resided at Gandhi Nagar, Adyar,



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within the jurisdiction of this Court. The petition is filed in respect of the savings bank account and locker of the mother of the petitioners in the Standard Chartered Bank.

3. In support of this petition, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination-in-chief of PW1, the 12 documents set out at the foot of this order were exhibited as Exs.P1 to P12. The death certificate of the petitioners' mother is on record as Ex.P3. This document discloses that she died on 06.03.2018. It also specifies her permanent address, which is within the jurisdiction of this Court. The legal heirship certificate of Mrs.W.S.Kannibai is on record as Ex.P5. This document discloses the names of the three petitioners herein as the surviving legal heirs of the late W.S.Kannibai. The death certificate of the petitioners' father is on record as Ex.P9. The said document discloses that the petitioners' father, late W.Somasundaram, died on 29.04.2000. In relation to the relevant assets, Exs.P4 and P7, the account statement and reply from the Bank Manager, Standard Chartered Bank, were exhibited. The paper publication in the Tamil daily 'Makkal Kural' is also on record as Ex.P12.



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4. Based on the assertions in the petition and the evidence recorded in support thereof, the petitioners are entitled to succeed. Accordingly, O.P.No.340 of 2022 is allowed by granting succession certificate to the petitioners in respect of the debts specified in the schedule to the petition. Consequently, the petitioners shall be entitled to collect the debts, including interest accruals thereon, and transfer the same.

12.12.2022

Index : Yes / No

Internet : Yes / No

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Petitioner's witness:

P.W.1 – Mr.Worathur Anand

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the Legal Heirship certificate of W.Somasundaram (Compared with the original)
Ex.P2	The photocopy of the passport of Worathur Venkatesh, 3 rd petitioner (The original passport is in the custody of the 3 rd petitioner. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P3	The computer generated death certificate of W.S.Kannibai.



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P4	The online printout of account statement of Standard Chartered Bank in respect of the account held by Mrs.W.S.Kannibai.
Ex.P5	The computer generated Legal Heirship Certificate of Mrs.W.S.Kannibai.
Ex.P6	The original letter dated 17.06.2021 given by the 2 nd petitioner to the Bank Manager, Standard Chartered Bank.
Ex.P7	The original reply dated 23.06.2021 addressed to the 2 nd petitioner by the Bank Manager, Standard Chartered Bank.
Ex.P8	The photocopy of the special power of attorney executed by the 3 rd petitioner in favour of the 2 nd petitioner (Compared with the original)
Ex.P9	The computer generated death certificate of Somasundaram.
Ex.P10	The photocopy of my Aadhaar card (Compared with the original)
Ex.P11	The photocopy of the Aadhaar card of the 2 nd petitioner (Compared with the original)
Ex.P12	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 29.09.2022.



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