



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

FRIDAY, THE 29TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.1082 of 2019

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of debts of the
deceased M.Kirubanandham died
intestate

1. MRS.K.ADHILAKSHMI * **(DECEASED)**
W/O.LATE M.KIRUBANANDHAM,
11/6, CHANDRAYOGI SAMATHI STREET,
ADHISESHA NAGAR,
PERAMBUR, CHENNAI-600 012

***(1st PETITIONER DIED, P2 IS THE ONLY
L.R. OF THE DECEASED 1ST PETITIONER
(AMENDED AS PER ORDER DATED
30.09.2021 IN APPL.NO.3491/2021)**

2. MRS.SUGUNA
D/O.LATE M.KIRUBANANDHAM,
No.11/6, CHANDRAYOGI SAMATHI STREET,
ADHISESHA NAGAR,
PERAMBUR, CHENNAI-600 012

..Petitioners



Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the First Petitioner with powers to collect the debts and to receive the interest and dividends on and negotiate and transfer the arrears of the family pension 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 for grant of succession certificate of the deceased M.Kirubanandham.

2. M.Kirubanandham died intestate on 26.06.2012 at Chennai. The deceased M.Kirubanandham died leaving behind his wife and the daughter as his only legal heirs who are the petitioners herein have filed this petition for grant of succession certificate to the petitioners. During the pendency of this petition, the first petitioner who is the wife of the deceased died on 15.09.2020 and the second petitioner who is the only legal heir of the deceased first petitioner brought on record as legal heir of the deceased first petitioner. The parents of the deceased M.Kirubanandham predeceased him. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition.



3. The second petitioner has deposed as PW1 and filed her proof affidavit, before the learned Master in support of this petition for grant of succession certificate. Before the learned Master, the following documents were marked as Exhibits:

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of Kirubanandham
P2	Photocopy of the legal heirship certificate of Kirubanandham.
P3	Computer generated birth certificate of Suguna
P4	Photocopy of the letter dated 11.04.2019 addressed to the 1 st petitioner by Southern Railways
P5	Office copy of the notice dated 28.06.2019 along with the acknowledgement card
P6	Photocopy of the Aadhaar card of Adhilakshmi, the deceased first petitioner
P7	Computer generated death certificate of Adhilakshmi, the deceased first petitioner
P8	Copy of paper publication effected in one issue of Tamil daily "Makkal kural" dated 17.03.2022.

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



5. This Court has perused and examined the aforementioned documents.

6. The death certificate of Kirubanandham has been marked as Ex.P1 which shows that he died on 26.06.2012 at the age of 75 years. The legal heirship certificate of the deceased Kirubanandham has been marked as Ex.P2 which shows that the petitioners herein are the legal heirs of the deceased. Ex.P3 is the birth certificate of the second respondent which shows that she is the daughter of the deceased Kirubanandham and the deceased first petitioner. Ex.P4 is the letter dated 11.04.2019 issued by the Southern Railway to the first petitioner (deceased) advising her to obtain a Succession certificate from the competent court of law by impleading Administration as a party to the case for grant of family pension. Ex.P5 is the Advocate notice dated 28.06.2019 issued by the petitioners' counsel to the Southern Railway questioning as to why the Railway Authorities should be impleaded for obtaining succession certificate. Ex.P6 is the photocopy of the Aadhaar card of the first petitioner (deceased) and Ex.P7 is the death certificate of the first petitioner which shows that the first petitioner died on 15.09.2020 during the pendency of this petition. Paper publication has also been effected by the second petitioner in one issue of Tamil daily “Makkal Kural” on 17.03.2022 which has been marked as Ex.P8.



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7. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioners, this Court is of the considered view that the relief of succession certificate sought for by the petitioners in OP No.1082 of 2019 has to be granted in favour of the second petitioners. Accordingly, the Original Petition is allowed. The second petitioner is directed to pay the requisite succession duty, if any, before obtaining the Succession Certificate.

Sd/.P.V.J.
29.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/11.05.2022

COURT OFFICER(O.S.)

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