



O.P.No.435 of 2022

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**N.SATHISH KUMAR, J.**

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of Original Side Rules to grant Succession Certificate to the petitioners herein with the power to collect the debts and to receive the interest specified in the schedule of the deceased Karthick.

2. Heard the learned counsel for the petitioners.

3. The contentions of the petitioners is that the first petitioner is the wife and the petitioners 2 and 3/minors, who are the children of the deceased Karthick whereas the respondent is the mother of the deceased. The said Karthick was employed in Tata Consultancy Services. However, he died intestate on 13.05.2021 leaving the petitioners and the respondent as legal heirs at the time of his death. He is entitled to retirement and pension benefits as mentioned in the schedule. The petitioners have filed this petition to have his death benefits. The respondent has filed the counter.



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4. The first petitioner examined herself as P.W.1 and Exs.P1 to Ex.P.11 were marked.

5. P.W.1 has spoken about the death of her husband and Ex.P4/ death certificate proves the same. Exs.P1 to P3 were filed to prove the marriage and birth of the children to the deceased Karthick. Exs.P5 to P10 were filed to prove the nature of the testator of the deceased. Ex.P11 shows the paper publication effected on 10.11.2022.

6. The respondent has not disputed the facts contended by the first petitioner but she is only concerned about a sum of Rs.4 lakhs. Since the first petitioner has not disputed the legal heirship of the respondent herein, this Court is of the view that the petitioners and the respondent are the legal heirs of the deceased Karthick and they are entitled to receive  $\frac{1}{4}^{\text{th}}$  share each in the estate of the deceased Karthick.

7. Considering the averments made in the Original Petition and the above evidences and also taking note of the fact that the first petitioner has not disputed the legal heirship of the respondent, the petitioners and the respondent are entitled to the assets owned by the



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deceased Karthick. Accordingly, the Original Petition is ordered and a direction for grant of Succession Certificate in favour of the petitioners and respondent herein as legal heirs of the deceased Karthick with power to collect the debts and to receive the interest specified in the schedule of the deceased Karthick as per their entitlement. It is also made clear that the shares of the minors/petitioners 2 and 3 shall be kept in interest bearing deposit in any one of the nationalized banks till the minors attain majority.

**16.11.2023**

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