



O.P.No.281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.281 of 2022

R.Yegnaraman ... Petitioner

Vs.

R.Balasubramanian ... Respondent

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

For Petitioners : Dr.S.S.Swaminathan

For Respondent : No Appearance

ORDER

The petitioner seeks Succession Certificate in respect of the debts (arrears of family pension) held by T.Lakshmi, who died intestate on 21.08.2016. The petitioner and the respondent are the sons of the deceased T.Lakshmi.

2. The petitioner has been examined as P.W.1. He has produced the death certificate of the deceased T.Lakshmi and Ramanathan (father of the petitioner and respondent) which have been marked as Ex.P1 and Ex.P3.



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The legal heirship certificate of the deceased T.Lakshmi is produced as

Ex.P2. A perusal of Exs.P2 shows that the petitioner and the respondent are the only surviving Class-I legal heir of the deceased. The petitioner herein is visually challenged and the disability certificate has been produced, which was marked as Ex.P4. The respondent has given his consent affidavit for grant of succession certificate in favour of the petitioner and his consent affidavit is marked as Ex.P6. A paper publication has been made and any objections have not been received.

3. One Mrs.Renuka Devi has been examined as P.W.2, being working as an Assistant Accounts Officer, Chennai and she has stated that the family pension was revised on 01.01.2016, as per the 7th Pay commission and T.Lakshmi the pension holder died on 21.08.2016, so a letter was addressed to the petitioner regarding the revised pension and the same has been marked as Ex.P5. The petitioner herein has submitted an application to the office of Accountant General for receiving the family pension. She also added that as per the pension Rules, the disabled person is entitled for family pension on fulfillment of the conditions prescribed in the rules.

4. In view of the above said evidence, the Original Petition is allowed



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by granting Succession Certificate in favour of the petitioner to receive the arrears in family pension as mentioned in the schedule to the petition.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 — Mr.Yegnaraman

P.W.2 – Mrs. S.Renuka Devi

Documents exhibited by the petitioner's:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Ms.T.Lakshmi
Ex.P2	Computer generated legal heirship certificate of Ms.Lakshmi, dated 22.11.2019
Ex.P3	Computer generated death certificate of Mr.Ramanathan
Ex.P4	Photocopy of the petitioner's disability certificate
Ex.P5	Original letter from the office of the Accountant General dated 06.09.2021 addressed to the petitioner
Ex.P6	Consent affidavit of the sole respondent
Ex.P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural", dated 03.09.2022

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