



WEB COPY



O.P.No.194 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.194 of 2022**

1.Mrs.D.Saraswathy

2.Mrs.Banumathy Jayapal ... Petitioners

Vs.

D.Girija ... 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 petitioners with power to collect the debts and to receive 2/3<sup>rd</sup> share in the deposit accumulated with interest specified in the Schedule-B hereto.

For Petitioners : Mr.H.Surendar

For Respondent : Mr.S.Saraboji

**ORDER**

The petitioners seek Succession Certificate in respect of the debts held by A.S.Dharmalingam, who died intestate on 07.07.2018. The first petitioner is the wife, the second petitioner and the respondent are the daughters of the deceased A.S.Dharmalingam.

2.The second petitioner has been examined as P.W.1. She has produced the death certificate of the deceased A.S.Dharmalingam, which was marked as Ex.P3. It is pertinent to note that an O.P.No.26 of 2023, is



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filed by the respondent herein, for grant of succession certificate for her 1/3<sup>rd</sup> share in the debts held by A.S.Dharmalingam, and the same is also granted accordingly. A paper publication has been made and any objections have not been received.

3. The respondent has been examined as R.W.1. She has stated that after the death of their father, the petitioners and the respondent herein are equally entitled to 1/3<sup>rd</sup> share of their deceased father's debts. The petitioners herein has filed this original petition without including the respondent, so the respondent has filed another original petition as above mentioned. It is further submitted that there is no dispute regarding the share of the debts of said deceased A.S.Dharmalingam, and the respondent has no objection for grant of 2/3<sup>rd</sup> share of which the petitioners are entitled to.

4. In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the petitioners in respect of their 2/3<sup>rd</sup> share in the debts mentioned in the schedule to the petition.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



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**Petitioner's witness:**

P.W.1 — Mrs.D.Banumathy

**Respondent's witness:**

R.W.1 – Mrs.D.Girija

**Documents exhibited by the petitioner's:**

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                           |
|------------------------|---------------------------------------------------------------------------------------------------|
| Ex.P1                  | Photocopy of Indian Bank Passbook bearing account No.6218616420 in respect of Mr.A.S.Dharmalingam |
| Ex.P2                  | Photocopy of Indian Bank Passbook bearing account No.600610046 in respect of Mr.A.S.Dharmalingam  |
| Ex.P3                  | Original death certificate of Mr.A.S.Dharmalingam                                                 |
| Ex.P4                  | Photocopy of Aadhar Card of the first Petitioner                                                  |
| Ex.P5                  | Photocopy of the PAN Card of the first petitioner                                                 |
| Ex.P6                  | Photocopy of second petitioner's Aadhar Card                                                      |
| Ex.P7                  | Photocopy of second petitioner's PAN Card                                                         |
| Ex.P8                  | Photocopy of the family card of Mr.A.S.Dharmalingam                                               |
| Ex.P9                  | Paper publication effected in issue of Tamil daily “Makkal Kural”, dated 07.11.2022               |
| Ex.P10                 | Photocopy of the Aadhar Card of the respondent                                                    |

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