



O.P.No.135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.09.2023**

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**  
**O.P.No.135 of 2023**

F.Sheela Roselin

... Petitioner

Vs.

1.Alphonsus Christopher Francis  
2.Jayalakshmi Francis  
3.F.Lucy Lydia

... Respondents

**PRAYER:** Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioner with the powers to collect the debts and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Mr.K.Natarajan

**ORDER**

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned asset of the deceased Francis Alexander Ratnakumar.

**2.The averments in the Petition are as follows:-**



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The petition mentioned asset were originally owned by one Francis Alexander Ratnakumar. The said owner of the assets remained unmarried and died on 09.05.2021. The parents of the Francis Alexander Ratnakumar also died on 07.09.1975 and 17.10.1992 respectively. One of the sisters of Francis Alexander Ratnakumar by name Devamani also predeceased him on 30.04.2021. So the petitioner who is the another sister of Francis Alexander Ratnakumar and the respondents 1 to 3 are also the brother and other sisters of Francis Alexander Ratnakumar have become the only surviving legal heirs of the deceased. The respondents have given their consents for granting Succession Certificate in favour of the petitioner. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioner. Hence, for the purpose of transmitting the debts mentioned in the schedule to the name of the petitioner, she has come out with this Petition and prayed for the issuance of Succession Certificate.

**3. Paper publication effected. There is no objector.**

**4. The petitioner examined herself as PW.1 and Ex.P1 to Ex.P18 were marked.**



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5. Ex.P7 and Ex.P8 are the death certificates of the parents of Francis

Alexander Ratnakumar which would show that the parents of Francis

Alexander Ratnakumar died on 07.09.1975 and 17.10.1992 respectively.

Ex.P10 death certificate would show that Francis Alexander Ratnakumar

died on 09.05.2021. The death certificate of the predeceased sister of

Francis Alexander Ratnakumar is marked as Ex.P9 and that would show

that she died on 30.04.2021. Since the deceased died intestate, the petitioner

has filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioner would prove her entitlement for the grant of Succession Certificate as prayed by her.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if



not paid earlier.

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Index :Yes/No  
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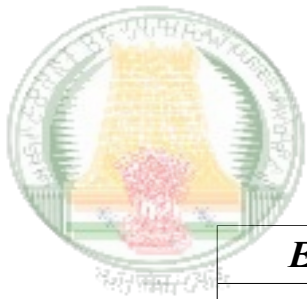
## **APPENDIX**

### **Petitioner's side witness:**

P.W.1 - F.Sheela Roselin

### **Documents marked:**

| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                                                                                                 |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                  | The photocopy of the LIC policy bearing No.713394450 standing in the name of Francis Alexander Ratnakumar.                                                                                              |
| Ex.P2                  | The original LIC Loan Quotation for policy No.713178225 dated 23.11.2012 standing in the name of Francis Alexander Ratnakumar.                                                                          |
| Ex.P3                  | The original LIC Loan Quotation for policy No.713178226 dated 23.11.2012 standing in the name of Francis Alexander Ratnakumar.                                                                          |
| Ex.P4                  | The original LIC Loan Quotation for policy No.713178227 dated 23.11.2012 standing in the name of Francis Alexander Ratnakumar.                                                                          |
| Ex.P5                  | The photocopy of the letter from OM Kotak Mahindra dated 22.01.2003 addressed to Francis Alexander Ratnakumar.                                                                                          |
| Ex.P6                  | The photocopy of the letter dated 12.04.2017 from the Institute of Chartered Accountants of India addressed to Francis Alexander Ratnakumar with regard to payment of CABF Group Term Insurance Scheme. |
| Ex.P7                  | The computer generated death certificate of D.A.Francis.                                                                                                                                                |
| Ex.P8                  | The computer generated death certificate of Rose Mary Francis.                                                                                                                                          |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------|
| Ex.P9                  | The computer generated death certificate of F.Devamani.                                             |
| Ex.P10                 | The computer generated death certificate of Francis Alexander Ratnakumar.                           |
| Ex.P11                 | The photocopy of the petitioner's Aadhar Card.                                                      |
| Ex.P12                 | The photocopy of the passport of first respondent herein bearing No.V3562537.                       |
| Ex.P13                 | The photocopy of the Aadhar Card of Jayalakshmi Francis.                                            |
| Ex.P14                 | The photocopy of the Aadhar Card of F.Lucy Lydia.                                                   |
| Ex.P15                 | The consent affidavit of Jayalakshmi Francis.                                                       |
| Ex.P16                 | The consent affidavit of F.Lucy Lydia.                                                              |
| Ex.P17                 | The consent affidavit of Alphonsus Christopher Francis.                                             |
| Ex.P18                 | The copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 22.04.2023. |

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**R.N.MANJULA, J.**

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