



O.P.No.495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.01.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.495 of 2022

1.D.Parvathi
2.D.Jagan
3.S.Sujatha
4.D.Sudhagar
5.A.Suganthi
Petitioners

...

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, pleased to grant a Succession Certificate to the first petitioner herein with power to collect the securities and interest and dividends thereon and to negotiate and transfer the said securities specified in the schedule hereunder.

For Petitioners : Mr.S.Ashokan



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ORDER

The petitioners seek the grant of a succession certificate in respect of the securities listed in the schedule to this petition.

2. The petitioners assert that the first petitioner is the widow of the late M.Devarajan and the second to fifth petitioners are his children. It is stated that the late M.Devarajan died on 31.08.2021 at the Government Royapettah Hospital, Chennai and ordinarily resided at the address specified in paragraph 3 of the petition, which is within the jurisdiction of this Court. The petitioners assert that the deceased died intestate and that no Will was found in spite of a diligent search for the same. As the widow and children of the deceased, the petitioners further state that they are the only class I legal heirs.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as P.W.1. In course of



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the examination in chief of P.W.1, the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The death certificate of Mr.Devarajan (Ex.P1) discloses that he died on 31.08.2021. It also discloses his address, which is within the jurisdiction of this Court. The legal heirship certificate (Ex.P2) discloses the names of the five petitioners and the pre-deceased son of Mr.Devarajan, namely, D.Senthilkumaran. Upon being called upon to do so, the petitioner produced the death certificate of D.Senthilkumaran. This document discloses that he died on 05.06.2019. The legal heirship certificate in respect of the late D.Senthilkumaran has also been placed on record. This document discloses that he was survived by the first petitioner and Mr.Devarajan. As proof of the title of the deceased to the securities described in the schedule, Ex.P3 has been placed on record. The consent affidavits of the second to fifth petitioners are on record as Exs.P9 to P12. Paper publication was effected (Ex.P13).

4. Based on the assertions in the petition and the evidence recorded in support thereof, the petitioners are entitled to the relief claimed.



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WEB COPY 5. Accordingly, O.P.No.495 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities specified in the schedule to the petition. Consequently, the first petitioner shall be entitled to collect the securities, receive interest and dividends thereon, and negotiate and transfer the same.

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mrs.D.Parvathi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Devarajan.
Ex.P2	Computer generated Legal Heirship Certificate of Mr.Devarajan.
Ex.P3	Computer generated statement of account dated 14.12.2021 in respect of SBI Mutual Fund standing in the name of Mr.M.Devarajan.
Ex.P4	Photocopy of my Aadhaar card (Compared with the original).
Ex.P5	Photocopy of the Aadhaar card of the second petitioner



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<i>Exhibits</i>	<i>Documents</i>
	(Compared with the original).
Ex.P6	Photocopy of the Aadhaar card of the third petitioner (Compared with the original).
Ex.P7	Photocopy of the Aadhaar card of the fourth petitioner (Compared with the original).
Ex.P8	Photocopy of the Aadhaar card of the fifth petitioner (Compared with the original).
Ex.P9	Consent affidavit given by the second petitioner.
Ex.P10	Consent affidavit given by the third petitioner.
Ex.P11	Consent affidavit given by the fourth petitioner.
Ex.P12	Consent affidavit given by the fifth petitioner.
Ex.P13	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 15.10.2022.



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