



O.P.No.221 of 2022

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N.SATHISH KUMAR, J

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2. The petitioner is the daughter of deceased V.Malliga. The said Malliga died on 30.05.2021. The petitioner claims to be the only daughter of the deceased and surviving Class I legal heir of the deceased. The parents of the deceased predeceased her. The husband of the deceased viz, Venkatesan had also predeceased her. The deceased was ordinarily residing at D.No.12, Arunthathiyar Colony, Agoor Pot, Kumarakuppam village, Tiruttani Taluk, Tiruvallur District. The deceased was working in Southern Railways as Safaiwala/HI/AVD. According to the petitioner, when she had approached the employer of the deceased for Death cum Retirement Gratuity and amount payable under the group insurance scheme, she was required to submit a succession certificate from the court having jurisdiction as the respondent approached the employer claiming to be a relative of the deceased and had set up a claim over the terminal benefit and other amount



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payable on account of the death of the deceased. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of receiving the DCRG and amount payable under the Group Insurance Scheme due to the death of the deceased Malliga. The assets in respect of which the succession certificate is required are of the value of Rs.10,60,438/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in the name of the petitioner with power to collect the debts and to receive interests thereon, if any, and negotiate and transfer the deposits or to receive the death cum retirement gratuity and the amount payable under group insurance scheme due to the death of the deceased V.Malliga as specified in the schedule.

3. Notice sent through court was returned as there was no such addressee. The petitioner filed an affidavit of service on 23.11.2022 wherein it has been stated the private notice addressed to the respondent was returned as “insufficient address”. Thereafter, despite paper publications



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were effected thrice for the hearing on 17.04.2023, 28.04.2023 & 25.09.2023 in Tamil Daily “Dhina Kural”, neither the respondent entered appearance in person nor through a counsel. On 25.09.2023, the Master had directed the matter to be listed before this court. Even today, the respondent has not appeared either in person or through a counsel. Therefore, the respondent is set exparte and this original petition is proceeded exparte against the respondent.

4.The petitioner examined herself as P.W.1 and marked Exs.P1 to P4. Ex.P.1 is the computer generated death certificate of late V.Malliga. Ex.P.2 is the computer generated legal heirship certificate of late V.Malliga. Ex.P.3 is the photocopy of the letter dated 30.12.2021 addressed to the petitioner by the Southern Railways with regard to settlement of dues payable on account of the death of the deceased employee. Ex.P.4 is the photocopy of the letter dated 15.02.2022 addressed to the petitioner by the Southern Railways with regard to settlement of dues payable on account of the death of the deceased employee.

5. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the



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Estate of the deceased V.Malliga. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive interests thereon, if any, negotiate and transfer the deposits and receive the terminal benefit (DCRG) and amount payable under Group Insurance Scheme due to the death of the deceased employee specified in the schedule, is issued. The petitioner is directed to render account once in a year.

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