



WEB COPY



O.P.No.34 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.34 of 2023

1.G.Sankari
2.G.Ramakrishnan
3.B.Nalini

... Petitioners

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 petitioners with powers to collect the debts and to receive interest on any specified in the schedule.

For Petitioners : Mr.V.Chithra

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned securities of the deceased Neelambal.

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



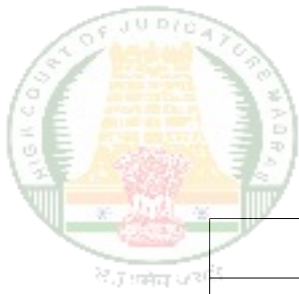
O.P.No.34 of 2023

Tmt.Neelambal died intestate on 26.04.2021. The deceased got married to Mr.Lakshmanasamy and the couple has no issues. The husband and the parents of the deceased pre-deceased her. The petitioners are the brother and sisters of the deceased and they are class - II legal heirs. During her life time, the deceased created some movable asset out of her income. The succession certificate is required for the purpose of claiming the amount of Rs.4,34,587.85/- from the Indian Bank. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioners. Hence, for the purpose of transmitting the securities mentioned in the schedule to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

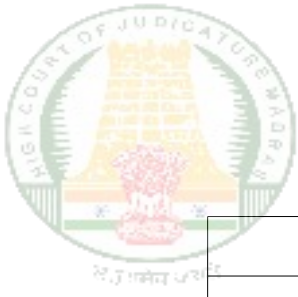
4. The second petitioner examined himself as PW.1 and Ex.P1 to Ex.P11 were marked through him and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the original death certificate of



O.P.No.34 of 2023

<i>Exhibits</i>	<i>Documents</i>
	T.Lakshmanasamy.
Ex.P2	the original legal heirship certificate of T.Lakshmanasamy.
Ex.P3	the computer generated death certificate of G.Neelambal.
Ex.P4	the computer generated death certificate of M.R.Ganapathy.
Ex.P5	the original representation dated 29.09.2021 given by the petitioners herein to the Tahsildar, Ayanavaram Taluk.
Ex.P6	the original rejection letter dated 11.11.2021 issued by the Tahsildar, Ayanavaram Taluk addressed to the 2nd petitioner.
Ex.P7	the photocopy of the Aadhar Card of the 1st petitioner.
Ex.P8	the photocopy of the Aadhar Card of the second petitioner.
Ex.P9	the photocopy of the Aadhar Card of the third petitioner.
Ex.P10	the photocopy of the savings account bank passbook in Indian Bank, Dr.Alagappa Road Branch bearing Account No.410954519 held by G.Neelambal.
Ex.P11	the copy of paper publication effected in



O.P.No.34 of 2023

<i>Exhibits</i>	<i>Documents</i>
	one issue of Tamil Daily "Makkal Kural" dated 30.03.2023.

5. Ex.P3 is the death certificate of Neelambal who died on 26.04.2021. Ex.P2 shows that the petitioners alone are the legal heirs of the deceased. The petitioners who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. Since the deceased died intestate, the petitioners have filed this Petition for grant of Succession Certificate.

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

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners, 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.

WEB COPY



O.P.No.34 of 2023

Index :Yes/No
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11.07.2023



WEB COPY



O.P.No.34 of 2023

R.N.MANJULA, J.

gsk

O.P.No.34 of 2023

11.07.2023