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O.P.No.503 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**O.P.No. 503 of 2022**

Selvi Joseph Jesika

...

Petitioner

Vs.

Vijaya

...

Respondent

**PRAYER:** Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioner with the power to collect the debts and interest amount thereof, specified in the schedule hereto.

For Petitioners : Mr.V.Karnan

**ORDER**

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition mentioned securities owned by late Sowriraj died intestate.

2. The service and death benefits that were specified in the petition belonged to one late Sowriraj who is the father of the petitioner. The said Sowriraj died intestate on 22.10.2018. The parents of the Sowriraj also



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predeceased on 30.01.1977 and 19.06.2019. The petitioner is the daughter and the respondent is the wife of late Sowriraj. Since Sowriraj died intestate, the petitioner has filed this petition for seeking Succession Certificate in respect of the petition mentioned immovable assets.

3.The 1<sup>st</sup> petitioner examined herself as PW.1 and Ex.P1 to P10 were marked through her.

4.The Paper publication is effected in one issue of Tamil Daily 'Makkal Kural' dated 24.06.2023 and it did not attract any objectors.

5.From the death certificate of Sowrirajan which is marked as Ex.P3, it would show that Sowrirajan died on 22.10.2018. Legal heir certificate is produced as Ex.P4 and that would show that the petitioner and the respondent are the legal heirs of the deceased Sowrirajan. The said Sowrirajan was working as a watchman in Greater Chennai Corporation. After his death his death benefits and service benefits have also to be paid to the parties in their capacity as his legal heirs.

6. It is submitted that the mother of the petitioner/ respondent herein has also given no objection and that has also been stated in the petition. Despite the notice has been served upon the respondent, she did not file any objection. Since the petitioner is entitled to claim her fathers death benefits and service benefits of Sowrirajan as his legal heir, he has filed this petition



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for grant of Succession Certificate.

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

8.Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the petitioner, with the power to collect the debts and interest amount thereof, specified in the schedule mention petition on payment of appropriate succession duty, if it not paid already.

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Index :Yes/No

Speaking: Non-Speaking

Neutral: Yes/No



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## **APPENDIX**

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

P.W.1 – Selvi Joseph Jesika

### **Documents exhibited by the petitioner:**

| <i>Exhibits</i> | <i>Documents</i>                                                                                                                                             |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1           | The photocopy of the petitioner's family card (compared with the original)                                                                                   |
| Ex.P2           | The photocopy of the petitioner's birth certificate (compared with the original)                                                                             |
| Ex.P3           | The computer generated death certificate of Mr.J.Sowrirajan.                                                                                                 |
| Ex.P4           | The computer generated legal heir certificate of Mr.J.Sowrirajan.                                                                                            |
| Ex.P5           | The photocopy of the proceedings dated 30.09.2019 issued to the petitioner by the Commissioner, Greater Chennai Corporation (compared with the original)     |
| Ex.P6           | The photocopy of the letter dated 13.03.2020 addressed to the petitioner by the Assistant Commissioner, Public Works Department (compared with the original) |
| Ex.P7           | The photocopy of the letter dated 02.07.2020 addressed to the petitioner by the Assistant Commissioner, Public Works Department (compared with the original) |
| Ex.P8           | The original letter dated 24.09.2020 addressed to the petitioner by the Assistant Commissioner, public Works Department.                                     |
| Ex.P9           | The computer generated death certificate of Mrs.Rajathy.                                                                                                     |
| Ex.P10          | The copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural' dated 24.06.2023.                                                          |

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