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O.P.No.424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.424 of 2022

1.Mr.Sasikumar Chinnapar Ambrose,
S/o.Late Mr.C.Ambrose,
Old No.12, New No.65, Madras Battai Road,
Villivakkam,
Chennai-600 049.

2.C.A.Kalpana,
W/o.M.Paulraj, No.108, 1st Floor,
Subiksham Indrapuri Apartments,
Ramalinga Nagar 4th Cross,
K K Purdur, Coimbatore North,
Kuppakonapudur,
Coimbatore-641 038.

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act and Order XXV Rule 6 of the Original Side Rules prays to grant Succession Certificate to the first petitioner, i.e. Sasikumar Chinnapar Ambrose, with power to collect the debt and to receive the interest as specified in the schedule.

For Petitioners : Ms.N.Fidelia



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ORDER

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2. The petitioners state that they are the children of the late Mr.C.Ambrose, and that he resided at the address specified in paragraph 2 of the petition, which is within the jurisdiction of this Court. The petitioners also state that they are the sole surviving legal heirs of the deceased since his parents and wife predeceased him. It is further stated that no Will was found in spite of diligent search for the same.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination-in-chief of PW1, the 8 documents listed at the foot of this order were exhibited as Exs.P1 to P8. The death certificate of the petitioners' father is on record (Ex.P2). This document discloses that he died on 02.06.2021. It also discloses his address and the said address is within the jurisdiction of this Court. The legal heirship certificate in



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relation to Mr.C.Ambrose is on record (Ex.P3). This document discloses the names of the two petitioners as the legal heirs of the deceased. It also discloses the name of the wife of the deceased and states that she predeceased him. A photocopy of the post office savings bank passbook is on record (Ex.P6). The consent affidavit of the second petitioner and the paper publication effected in one issue of the Tamil daily “Maalai Malar” are also on record as Exs.P7 and P8.

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

5. Accordingly, O.P.No.424 of 2022 is allowed by granting a succession certificate to the first petitioner in relation to the debts described in the schedule to the petition. Consequently, the first petitioner shall have the power to collect the debts and receive interest accruals thereon.

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Petitioners' witness:

P.W.1 – Mr.Sasikumar Chinnapar Ambrose

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of Prema Ambrose (Compared with the original)
Ex.P2	The computer generated death certificate of C.Ambrose.
Ex.P3	The computer generated Legal Heirship Certificate of C.Ambrose.
Ex.P4	The photocopy of my Aadhaar card (Compared with the original).
Ex.P5	The photocopy of my PAN card (compared with the original).
Ex.P6	The photocopy of the post office savings bank passbook bearing account No.7189566688 held by Mr.C.Ambrose in Villivakkam Post Office, Chennai (Compared with the original).
Ex.P7	The consent affidavit given by the 2 nd petitioner.
Ex.P8	The copy of paper publication effected in one issue of Tamil daily “Maalai Malar” dated 18.10.2022.

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