



O.P.No.339 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.339 of 2023

1.Poonguzhali,
2.S.Roshini.

... 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 second petitioner with the power to collect the debts and to receive the interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : Mr.V.J.Arul Raj

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the second petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

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



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The first petitioner's husband Mr.S.Sankar was working in a private company and he had Public Provident Fund in his name and the amount was being credited to his PPF account and the same is lying in the State Bank of India, Ashok Nagar Branch, Chennai. Mr.S.Sankar died on 11.11.2022 by leaving behind his wife / first petitioner and daughter / second petitioner herein as his only surviving legal heirs. The parents of the deceased predeceased him. Since the deceased died intestate, the petitioners have filed this petition seeking Succession Certificate in favour of the second petitioner in order to claim the amount accrued in the PPF Account of the deceased.

3. Paper publication effected. There is no objector.

4. The first petitioner examined herself as P.W.1 and Ex.P1 to Ex.P4 were marked.

5. Ex.P1 is the death certificate of Mr.S.Sankar who died on 11.11.2022 and the legal heir certificate of the deceased is marked as Ex.P2. Ex.P2 would show that the petitioners alone are the only surviving legal heirs of the deceased. The computer generated statement from 01.01.2022 to



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20.12.2022 in Public Provident Fund account bearing A/c.No.10497327210

held by Mr.S.Sankar in State Bank of India, Ashok Nagar Branch, Chennai is marked as Ex.P3. 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 second petitioner with power to collect the debts with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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APPENDIX

Petitioners' witness:



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P.W.1 – Mrs.Poonguzhali

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the computer generated death certificate of Mr.S.Sankar.
Ex.P2	the computer generated legal heir certificate of Mr.S.Sankar.
Ex.P3	the computer generated statement from 01.01.2022 to 20.12.2022 in Public Provident Fund account bearing A/c.No.10497327210 held by Mr.S.Sankar in State Bank of India, Ashok Nagar Branch, Chennai.
Ex.P4	the copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 29.08.2023.

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WEB COPY



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R.N.MANJULA, J.

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