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O.P.No.470 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.01.2023**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.470 of 2022

Mrs.Jayamathy.
W/o.Naresh Kumar,
D/o.Late Mr.R.Ramachandran,
Door No.44, A Block,
BSNL Quarters, V.M.Street, J.J.R.Nagar,
Royapettah, Chennai-600 014.

... Petitioner

PRAYER: Original Petition filed under Section 372 of Indian Succession Act r/w.Order XXV Rule 6 of the Original Side Rules prays that a Succession Certificate may be granted to the petitioner i.e. R.Jaymathy with power to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioner: M.N.Naganathan

ORDER

The petitioner seeks the grant of a succession certificate in respect of the debts described in the schedule to the petition.



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2. The petitioner states that her mother, Mrs.Gomathi, died on 30.12.2020, and that she ordinarily resided at the address specified in paragraph 2 of the petition, which is within the jurisdiction of this Court.

3. The petitioner further asserts that the deceased died intestate and that no Will was found in spite of a diligent search for the same. According to the petitioner, her mother, Mrs. Gomathi, had applied for and obtained a postal life insurance policy and that the sum assured therein was Rs.2 lacs. Hence, this petition.

4. In order to establish entitlement to the relief claimed, the petitioner adduced evidence and examined herself as PW1. In course of the examination-in-chief of PW1, the 6 documents listed at the foot of this order were exhibited as Exs.P1 to P6. The death certificate of the petitioner's mother (Ex.P3) discloses that she died on 30.12.2020. The death certificate of the petitioner's father (Ex.P1) discloses that he died on 12.05.1993. The legal heirship certificate (Ex.P4) in respect of the petitioner's mother discloses the name of the petitioner as the only surviving class I legal heir. It further discloses the name of the petitioner's late father and that he pre-deceased the petitioner's mother.



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The photocopy of the postal life insurance certificate is on record (Ex.P2). Paper publication was effected (Ex.P6).

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.470 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the debts described in the schedule to the petition. Consequently, the petitioner is entitled to collect the debts along with interest accruals thereon.

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Index : Yes

Petitioner's witness:

P.W.1 – Mrs.R.Jaymathy

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of Mr.R.Ramachandran (Compared with the original).
Ex.P2	The photocopy of the postal life insurance certificate bearing policy No.TN-203322-T standing in the name of Mrs.R.Gomathi (Compared with the original).
Ex.P3	The computer generated death certificate of Mrs.Gomathi.
Ex.P4	The computer generated Legal Heirship Certificate of Mrs.R.Gomathi.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P5	The photocopy of the petitioner's Aadhaar Card (Compared with the original).
Ex.P6	The copy of paper publication effected in one Tamil daily "Dina Kural" dated 02.11.2022.

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