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O.P.No.4 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.4 of 2023

K.Thameem Ansari

...

Petitioner

Vs.

K.Abubacker Siddique

... Respondent

Original Petition filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to issue succession certificate to the petitioner with power to collect debts and to receive the interest as specified in the Schedule hereto.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.B.Meganathan

ORDER

This petition is filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the petitioner with power to collect the debts and to receive the interest as specified in the Schedule hereto.



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

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The petition mentioned Insurance Policy was owned by one K.Ali Basha. The said K.Ali Basha got married to one Zeenath Begam and they got divorced on 19.10.2011. Thereafter the said K.Ali Basha was living along with his parents. The father and mother of K.Ali Basha predeceased him on 03.01.2020 and 14.11.2020 respectively. K.Ali Basha died intestate on 15.11.2021 leaving behind his brothers as his only legal heirs who are the petitioner and the respondent herein. Since K.Ali Basha died intestate, his legal heirs are entitled to inherit the petition mentioned asset. The respondent has given consent to grant succession certificate in favour of the petitioner.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P11.

4. Ex.P2 is the death certificate of K.Ali Basha and Exs.P3 and P4 are the death certificates of petitioner's mother and father respectively. Ex.P6 is the copy of Islamic Divorce Certificate of K.Ali Basha and A.Zeenath Begam. Ex.P1 is the photocopy of the Life Insurance Certificate Bond bearing Policy No.718840677 standing in the name of K.Ali Basha. The respondent has filed his consent affidavit stating no objection to grant



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succession certificate in favour of the petitioner.

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6. Since the deceased died intestate by leaving behind the petitioner and respondents as his only legal heirs, they are entitled to inherit the petition mentioned asset.

7. Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioner in respect of the asset mentioned in the Schedule, with power to collect the debts and to receive the interest as specified in the Schedule, on payment of appropriate succession duty, if it not paid already.

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Examined Witness:

P.W.1 – K.Thameem Ansari.

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the Life Insurance Certificate Bond bearing police No.718840677 standing in the name of K.Ali Basha (compared with the original)
P2	Computer generated death certificate of K.Ali Basha
P3	Computer generated death certificate of Mahobunisha
P4	Computer generated death certificate of Kasali Maraikayar
P5	Computer generated Legal heirship certificate of P.Mahabu Nisha
P6	Photocopy of Islamic Divorce Certificate of K.Ali Badusha and A.Zeenath Begam (Compared with the original)
P7	Photocopy of the Aadhaar Card of K.Ali Badusa (compared with the original)
P8	Photocopy of petitioner's Aadhaar Card (compared with the original)
P9	Photocopy of the Aadhaar card of the respondent (compared with the original)
P10	Photocopy of the reply dated 07.02.2022 addressed to the petitioner by the LIC of India (Compared with the original)
P11	Copy of the paper publication effected in one issue of Tamil Daily “Dhina Kural” dated 03.06.2023.

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