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O.P.No.163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.163 of 2023

1.V.S.Varadarajan

2.V.S.Ranganathan

3.C.Radha

... 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 in favour of the second Petitioner with powers to collect and encash the debts as specified in the schedule annexed hereto.

For Petitioners : Mr.K.S.Govinda Prasad

ORDER

The petitioners seek Succession Certificate in respect of the debts held by V.S.Devarajan, who died intestate on 25.06.2020. The first and second petitioners are the brothers and the third petitioner is the sister of the deceased V.S.Devarajan.

2.The petitioners submit that the deceased remained unmarried till his death,



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and his parents pre-deceased him, so there are no surviving Class-I legal heirs for the deceased. The petitioners are the brothers and sister of the deceased and are the Class-II legal heirs. It is further submitted that the deceased had nominated his brother V.S.Ranganathan (2nd petitioner herein) to receive 100% of the terminal and retirement benefits from the Metropolitan Transport Corporation (Chennai) Ltd, as the deceased was employed as a conductor till his death on 25.06.2020.

3.The second petitioner has been examined as P.W.1. He has produced the death certificate of the deceased V.S.Devarajan, as Ex.P5. The first and third petitioners have filed their consent affidavits expressing their no objection to the grant of a Succession Certificate in favour of the second petitioner. The said consent affidavit have been marked as Ex.P10. A paper publication has been made and any objections have not been received.

4.In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the second petitioner, since the first and third petitioners have signified their consent for the grant, in respect of the debts mentioned in the schedule to the petition.

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<https://www.mhc.tn.gov.in/judis>



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Index :Yes/No

Internet: Yes/ No

Petitioner's witness:

P.W.1 – Mr.V.S.Ranganathan

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the Aadhaar card of Varatharajan Seenuvasan
Ex.P2	The photocopy of the Aadhaar card of the second petitioner
Ex.P3	The photocopy of the Aadhaar card of Radha
Ex.P4	The photocopy of the letter issued by Karur Vysya Bank and Bank pass book of V.S.Devarajan dated 21.09.2020
Ex.P5	The computer generated copy of the death certificate of V..S.Devarajan dated 25.06.2020
Ex.P6	The printout of the email communication dated 30.09.2020
Ex.P7	The certified copy of the order in W.P.No.438 of 2021 dated 11.01.2021
Ex.P8	The original order of Tahsildar, Mylapore Taluk bearing No.NA.Ka.No.A4/429/2021 dated 24.09.2021
Ex.P9	The original representation submitted by the respondents dated 29.01.2022
Ex.P10	The original consent affidavit of first and third petitioner
Ex.P11	The photocopy of the nomination form in respect of the Late.V.S.Devarajan submitted to the MTC (Chennai) Ltd

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