



WEB COPY



O.P.No.338 of 2023

O.P.No.338 of 2023

N.SATHISH KUMAR, J.

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioners in respect of the share let by the petitioners' mother.

2.Heard the learned counsel for the petitioners.

3. It is stated in the petition that as per the Muslim Personal Law (Shariat) Application Act, 1937, petitioners 1 to 3 are entitled to each 2/8th share and petitioners 4 and 5 are entitled to 1/8th share over the estate of deceased Fatima Ebrahim. Hence, they seek for succession certificate in respect of the valuation set out in the affidavit of the petitioners.



O.P.No.338 of 2023

WEB COPY

4. The second petitioner was examined himself as P.W.1 and marked Exs.P1 to P27.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in their favour. Ex.P.6 is the copy of the death certificate of the petitioners' father Ebrahim Musvee. Ex.P.6 has been filed to prove that petitioners' father died on 27.11.1990. Ex.P.7 is the copy of the death certificate of the petitioners' mother Fatima Ebrahim. Ex.P7 is filed to prove that petitioners' mother died intestate on 22.06.2021. Ex.P8 is the legal heirship certificate of petitioners' mother Fatima Ebrahim. Exs.P9, P11, P13 to P26 were filed to prove the nature of the shares held by the deceased Fatima Ebrahim. A perusal of the same reveals that the deceased made investments in the form of shares. As per Ex.P27, paper publication has also been taken out and none has objected for it.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the



06.10.2023

gpa



WEB COPY



O.P.No.338 of 2023

N.SATHISH KUMAR, J.

gpa

O.P.No.338 of 2023

06.10.2023