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O.P.No.445 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.445 of 2022

1.V.Jayanthi

2.S.Ravishankar

... Petitioners

Vs.

S.Kumaran

... Respondent

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the 1st petitioner with power to collect the pledged jewels and receive the jewels specified in the schedule hereto.

For Petitioners : Mr.C.Gunasekaran

For Respondent : No Appearance

ORDER

The petitioners seek Succession Certificate in respect of the debts held by Hemalatha, who died intestate on 25.03.2019. The 1st petitioner is the sister, second petitioner is the brother and the respondent is the husband of the deceased Hemalatha.

2. The petitioners state that the deceased Hemalatha was married to the respondent and the respondent had filed an O.P.No.3352 of 2010 on the file of 2nd Additional Family Court, for divorce and the same was dismissed on 17.04.2011 for default. It was the submission of the petitioners that they



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had taken care of the deceased S.Hemalatha until her death. Further the petitioners submit that a notice was served on the respondent to his last known address. The second petitioner further submits that he has no objection for granting succession certificate in the name of the first petitioner.

3. The first petitioner has been examined as P.W.1. She has produced the death certificate of the deceased S.Hemalatha, which was marked as Ex.P3. The final order and decree in O.P.No.3352 of 2010 is produced which has been marked as Ex.P2. The petitioners are the Class-II legal heirs of the deceased. The notice served on the respondent was returned as unserved with an endorsement that “no such person in the address”. Pursuant to the general publication made, any objections have not been received from the respondent herein or from any other person.

4. In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the 1st petitioner in respect of the debts mentioned in the schedule to the petition.

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Index :Yes/No

Internet: Yes/ No

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Petitioner's witness:

P.W.1 — Mrs.V.Jayanthi

Documents exhibited by the petitioner's:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the legal heir certificate of the petitioners dated 17.01.2010 (compared with original)
Ex.P2	Certified copy of the final order and decree in OP.No.3352 of 2010, dated 17.04.2011
Ex.P3	Computer generated copy of the death certificate of deceased S.Hemalatha, dated 25.03.2019
Ex.P4	Photocopy of the family card of the deceased S.Hemalatha (compared with original)
Ex.P5	Photocopy of the Aadhar Card of deceased S.Hemalatha. (compared with original.)
Ex.P6	Photocopy of the Aadhar Card of the first petitioner. (compared with original.)
Ex.P7	Photocopy of the Bank passbook of the deceased S.Hemalatha. (compared with original.)
Ex.P8	Original certificate of pledged articles dated 19.01.2021
Ex.P9	Original letter sent by the bank to the first petitioner dated 24.08.2021

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