



O.P.No.500 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.500 of 2022

- 1.Mr.Arokiadass
S/o.Late S.Aaroon
Residing at 13(2), Anna Nagar,
4th Street, Burma Colony,
Madhavaram,
Chennai-600 060.
- 2.S.A.Daniel,
S/o. Late S.Aaroon
Residing at No.N-22, 2nd Floor, N Block,
Panchsheel Club, Panchsheel park,
Malviya Nagar, Hauz Khas,
South Delhi, Delhi-110 017.
- 3.Ms.Lourdmeri
D/o.Late S.Aaroon,
W/o.Mayakumar
Residing at No.6/68, North Velli Street,
St. Thomas Mount, Alandhur,
Chennai-600 016.
- 4.Ms.Rejina Margrate
D/o.Late S.Aaroon,
No.1, Burma Colony,
1st Street, Anna Nagar,
Madhavaram, Chennai-600 060.



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5.Mr.David

S/o.Latae S.Aaroon,
Residing at 13(B), Anna Nagar,
4th Street, Burma Colony,
Madhavaram, Chennai-600 060.

6.Ms.P.Santhi Mary,

W/o.Patrick Johnbosco
Residing at 13, Anna Nagar,
4th Street, Burma Colony,
Madhavaram, Chennai-600 060.

7.Mr.P.Moses Aaron,

S/o.Patrick Johnbosco
Residing at 13, Anna Nagar,
4th Street, Burma Colony,
Madhavaram, Chennai-600 060.

8.Mr.P.Mathew Santhosh,

S/o.Patrick Johnbosco
Residing at 13, Anna Nagar,
4th Street, Burma Colony,
Madhavaram, Chennai-600 060.

9.Mr.P.Thomas,

S/o.Patrick Johnbosco
Residing at 13, Anna Nagar,
4th Street, Burma Colony,
Madhavaram, Chennai-600 060.

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, prays that a Succession Certificate may be



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granted to the Petitioner with power to collect the debts and to receive the interest specified in the Schedule hereto.

For Petitioner : Mr. D.Rajendran

ORDER

The petitioners seek the grant of succession certificate in respect of the debts and benefits described in the schedule to the petition.

2. The petitioners state that late Ms.A.Rose Vergine was the sister of petitioners 1 to 5. She died on 31.03.2015. The petitioners assert that she died single and unmarried. They further assert that in spite of diligent search, no Will was found. One of the brothers of the deceased, Patrick John Bosco, died and, therefore, his wife and sons are arrayed as the 6th to 9th petitioners. The petitioners further state that the parents of the deceased predeceased her.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the



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examination-in-chief of PW1, the 24 documents listed at the foot of this order were exhibited as Exs.P1 to P24. The death certificate of the deceased (Ex.P2) discloses that she died on 31.03.2015. The said document also discloses the name of the father of the deceased as S.Aaron. It also discloses the address of the deceased. The death certificate of the father of the deceased (Ex.P23) discloses that he died on 05.05.1986 and that of the mother of the deceased (Ex.P22) discloses that she died on 17.03.2003. The address disclosed in the death certificate of the late S.Aaron tallies with the address specified as regards A.Rose Vergine. The legal heirship certificate in respect of A.Rose Vergine discloses the names of the 1st to 5th petitioners and Patrick John Bosco as the legal heirs of the deceased. The death certificate of Patrick John Bosco (Ex.P16) discloses that he died on 19.10.2018. The legal heirship certificate in respect of Patrick John Bosco discloses the names of the 6th to 9th petitioners as his legal heirs. Documents relating to the debt and other benefits due to the deceased have been exhibited as Exs.P4 to P10.

4. Based on the assertions in the petition and evidence adduced in



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support thereof, the petitioners are entitled to the relief claimed.

Accordingly, O.P.No.500 of 2022 is allowed by granting a succession certificate to the petitioners in respect of the debts and benefits specified in the schedule to the petition. Consequently, the petitioners are entitled to collect the debts, receive interest accruals thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioners' witness:

P.W.1 – Mr.Arokiadas

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the service register of Selvi Aaron Rose Vergine issued by the Government Stanley Hospital, Chennai-1 dated 18.12.2014 (Compared with the original).
Ex.P2	The computer generated death certificate of A.Rose Vergine.
Ex.P3	The photocopy of the Legal Heirship Certificate of A.Rose Vergine (Compared with the original).
Ex.P4	The photocopy of the letter issued by the Government Stanley



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<i>Exhibits</i>	<i>Documents</i>
	Hospital stating the individual benefits of Selvi Aaron Rose Vergine (Compared with the original).
Ex.P5	The office copy of my letter of requisition addressed to Stanley Government Hospital in respect of terminal benefits of Selvi Aaron Rose Vergine.
Ex.P6	The photocopy of the letter dated 27.09.2016 addressed to me by Government Stanley Hospital (Compared with the original).
Ex.P7	The original letter dated 02.03.2017 issued by the Government Stanley Hospital.
Ex.P8	The photocopy of the letter dated 22.03.2018 given by Government Stanley Hospital (Compared with the original).
Ex.P9	My copy of letter dated 14.08.2018 sent by me to the Government Stanley Hospital under RTI Act.
Ex.P10	The photocopy of the reply from Government Stanley Hospital under RTI Act dated 20.09.2018 (Compared with the original).
Ex.P11	The photocopy of my Aadhaar card (Compared with the original)
Ex.P12	The photocopy of the Aadhaar card of the 2 nd petitioner (Compared with the original).
Ex.P13	The photocopy of the Aadhaar card of the 3 rd petitioner (Compared with the original).
Ex.P14	The photocopy of the Aadhaar card of the 4 th petitioner (Compared with the original)
Ex.P15	The photocopy of the Aadhaar card of the 5 th petitioner (Compared with the original).
Ex.P16	The computer generated death certificate of Patrick John Bosco.
Ex.P17	The computer generated Legal Heirship Certificate of Patrick John Bosco.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P18	The photocopy of the Aadhaar card of the 6 th petitioner (compared with the original).
Ex.P19	The photocopy of the Aadhaar card of the 7 th petitioner (compared with the original).
Ex.P20	The photocopy of the Aadhaar card of the 8 th petitioner (compared with the original).
Ex.P21	The photocopy of the Aadhaar card of the 9 th petitioner (compared with the original).
Ex.P22	The computer generated death certificate of A.Theresa Aaron.
Ex.P23	The computer generated death certificate of S.Aron.
Ex.P24	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 03.11.2022.



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SENTHILKUMAR RAMAMOORTHY,J

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