



WEB COPY



O.P.No.57 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.57 of 2023

Mrs.Roslyn David

... Petitioner

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 to the petitioner with the powers to collect the Debts and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioner : Mr.B.Christ Das

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned debts of the deceased M.Lilly Hannah Ammani Bai.

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

The petition mentioned debts were originally belonged to one M.Lilly Hannah Ammani Bai who worked as Superintendent, in the office



O.P.No.57 of 2023

of the Director of Fisheries, Chennai. M.Lilly Hannah Ammani Bai died on 04.03.2002. She remained unmarried and her parents predeceased her. The petitioner is the only sister of the deceased M.Lilly Hannah Ammani Bai and she is the class – II legal heir of the deceased. There are no other legal heirs of the deceased except the petitioner herein. Since the petitioner is the only surviving legal heir of the deceased, she is entitled to inherit the death benefits of the deceased M.Lilly Hannah Ammani Bai. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioner. Since Succession Certificate is required for the purpose of claiming the petition mentioned debts belonging to the deceased M.Lilly Hannah Ammani Bai, the petitioner has come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The petitioner examined herself as P.W.1 and Ex.P1 to Ex.P6 were marked.

5. Ex.P1 is the death certificate of M.Lilly Hannah Ammani Bai who died on 04.03.2002. Ex.P2 is the relationship certificate dated 20.08.2002.



O.P.No.57 of 2023

Since the deceased died intestate, the petitioner who is the only surviving legal heir, has got the right to inherit the debts mentioned in the schedule.

Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioner would prove her entitlement for the grant of Succession Certificate as prayed by her.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts with interest and dividends on and negotiate and transfer the debts specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if not paid earlier.

15.09.2023

Index :Yes/No
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O.P.No.57 of 2023

APPENDIX

Petitioner's Witness:

P.W.1 – Roslyn David

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The online copy of the death certificate of M.Lilly Hannah Ammani Bai who died on 04.03.2002.
Ex.P2	The original relationship certificate dated 20.08.2002.
Ex.P3	The letter from the Principal Accountant General dated 25.08.2014.
Ex.P4	The office copy of the legal notice issued by the petitioner dated 07.06.2016.
Ex.P5	The xerox copy of the pension statement dated 18.08.2016.
Ex.P6	The xerox copy of the pan card of the petitioner.

15.09.2023

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WEB COPY



O.P.No.57 of 2023

R.N.MANJULA, J.

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O.P.No.57 of 2023

15.09.2023