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O.P.No.93 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.93 of 2022

Mrs.Thayabae Kakar
Wife of late Kapil Kakkar

... Petitioner

vs.

1. Ms.Simrin Kakar

2. Mrs.Samia Kakar

3. Mrs.Raj Kumari Kakar

... Respondents

PRAYER: Original Petition filed under Section 372 of Indian Succession Act 1925 and under Order XXV Rule 6 of the Madras High Court Original Side Rules, prays that a Succession Certificate may be granted to the Petitioner with powers to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioner : Mr. T.K.Ramkumar



O.P.No.93 of 2022

ORDER

WEB COPY The petitioner seeks the grant of a succession certificate in respect of the debts described in the schedule to the petition.

2. The petitioner states that her husband, Mr.Kapil Kakkar, died intestate on 31.05.2021 at his residence at College Lane, Chennai 600 006. The first and second respondents are the daughters of the petitioner and the late Mr.Kapil Kakkar. The third respondent is the mother of the deceased Kapil Kakkar. After ascertaining that no Will was found in spite of a diligent search for the same, this petition was filed. In spite of notice being served on the third respondent on 01.11.2022, she has not opposed this petition.

3. In order to establish entitlement to the relief claimed, the petitioner examined herself as PW1. In the course of examination-in-chief of PW1, the 6 documents listed at the foot of this order were exhibited as Exs.P1 to P6. The death certificate of the petitioner's husband (Ex.P1) discloses that he died on 31.05.2021. It also discloses his address, which is within the



O.P.No.93 of 2022

jurisdiction of this Court. The legal heirship certificate in respect of Mr.Kapil Kakkar (Ex.P4) discloses the names of the petitioner and the three respondents herein as the class I legal heirs.

4. As evidence of the debt in respect of which this petition is filed, a photocopy of the bank passbook of the deceased (Ex.P3) has been placed on record. The consent affidavits of the first and second respondents are on record as Exs.P4 and P5. Paper publication was effected (Ex.P6).

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.93 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the debts described in the schedule to the petition. Consequently, the petitioner shall be entitled to collect the debts, receive interest thereon and negotiate and transfer the same.

13.02.2023

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Index : Yes / No

3/5



O.P.No.93 of 2022

Petitioner's witness:

P.W.1 – Mrs.Thayabae Kakar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mr.Kapil Kakkar.
Ex.P2	The computer generated Legal Heirship Certi of Mr.Kapil Kakkar.
Ex.P3	The photocopy of the bank passbook of State Bank of India, Egmore Branch bearing account No.10265219346 standing in the name of Mr.Kapil Kakkar (Compared with the original).
Ex.P4	The consent affidavit given by the 1 st respondent.
Ex.P5	The consent affidavit given by the 2 nd respondent.
Ex.P6	The copy of paper publication effected in one issue of Tamil daily “Tamil Murasu” dated 11.01.2023.

13.02.2023

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WEB COPY



O.P.No.93 of 2022

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O.P.No.93 of 2022

13.02.2023