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O.P.No.176 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.176 of 2022

1.Kirubakaran
2.Kubendran
3.Tharanikumar
4.Pushpakala

... Petitioners

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 in favour of the petitioners with power to collect the debts and to receive the interest as specified in the Schedule annexed hereto.

For Petitioner : Ms.Sindhuja K.

ORDER

The petitioners seek Succession Certificate in respect of the debts held by late Nirmala Devi, who died intestate on 03.05.2019. The petitioners 1,2 and 3 are the brothers and petitioner 4 is the sister of the deceased Nirmala Devi.



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2. The 3rd petitioner has been examined as P.W.1. He has produced the death certificates of the deceased Nirmala Devi and Dyanaeswaran (husband of Nirmala Devi), as Exs.P1 and P2 respectively. They had no issues out of the wedlock. The parents and in-laws of deceased Nirmala Devi has also pre-deceased her. The legal heirship certificate of the deceased Ganesan, is marked as Ex.P3, who is the father of the petitioners and deceased Nirmala Devi. A perusal of Ex.P3, shows that the petitioners are the brothers and sister of the deceased Nirmala Devi, and they are the only surviving legal heirs of the deceased Nirmala Devi. A paper publication has been made and no objection have been received.

3. In view of the above facts and evidence, the Original Petition is allowed granting Succession Certificate in favour of the petitioners for the grant, in respect of the debts mentioned in the schedule to the petition.

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Index : Yes/No

Speaking : Yes/ No

Neutral Citations : Yes/ No



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Petitioners side witnesses:-

P.W.1 – Mr.Tharanikumar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mrs.D.Nirmala Devi
Ex.P2	Computer generated death certificate of Mr.K.Dyanaeswaran
Ex.P3	Computer generated legal heirship certificate of Mr.Ganesan
Ex.P4	Photocopy of the Aadhaar card of the 1 st petitioner
Ex.P5	Photocopy of the Aadhaar card of the 2 nd petitioner
Ex.P6	Photocopy of petitioner's Aadhaar card
Ex.P7	Photocopy of the Aadhaar card of the 4 th petitioner
Ex.P8	Original letter dated 08.03.2021 sent by Sub Post Master, Royapuram PO, Chennai
Ex.P9	Photocopy of the post office savings bank passbook standing in the name of D.Nirmala Devi
Ex.P10	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 10.10.2022

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