



O.P.No.620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.04.2023**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.620 of 2022

P.V.Ramasamy ... Petitioner

Vs

P.V.Subramani ... Respondent

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 in favour of the Petitioner herein with powers to the debts and to receive interest as specified in the schedule annexed hereto.

For Petitioner : Mr.S.Ganesan

For Respondent : Mr.K.S.Selvakumar

ORDER

The petitioner seeks Succession Certificate in respect of the debts held by P.V.Nagammal, who died intestate on 06.02.2022. The petitioner is the elder brother and the respondent is the younger brother of the deceased P.V.Nagammal.

2. The petitioner as the eldest brother and one of the legal heirs of the



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deceased claims that he is entitled to withdraw the term deposits, in the name of the deceased and has got consent affidavit from the other legal heir i.e., the respondent herein. There are no siblings for her husband and the in-laws of her husband has also pre-deceased her. The deceased has no issues out of the wedlock.

3. The petitioner has been examined as P.W.1. He has produced the death certificates of the deceased P.V.Nagammal and Venkatesan (husband of the deceased), as Ex.P1 and Ex.P2. The respondent has filed his consent affidavit expressing his no objection for the grant of Succession Certificate in favour of the petitioner. The said consent affidavit has been marked as Ex.P9. A paper publication has been made and any objections have not been received.

4. In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the petitioner, since the respondent has given his consent for the grant, in respect of the debts mentioned in the schedule to the petition.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citation: Yes/ No



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Petitioner's witness:

P.W.1 – Mr.P.V.Ramasamy

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Nagammal
Ex.P2	Computer generated death certificate of Venkatesan
Ex.P3	Computer generated death certificate of S.Guru
Ex.P4	Photocopy of the Term Deposit receipt of Central Bank of India dated 27.10.2021 in respect of Mrs.P.V.Nagammal
Ex.P5	Photocopy of the Term Deposit receipt of Central Bank of India dated 27.10.2021 in respect of Mrs.P.V.Nagammal
Ex.P6	Family card of Mrs.P.V.Nagammal
Ex.P7	Photocopy of the Aadhar card of Mrs.P.V.Nagammal
Ex.P8	Photocopy of the Aadhar card of Mr.P.V.Subramanian
Ex.P9	Consent affidavit given by the respondent
Ex.P10	Copy of paper publication effected in one issue of Tamil daily "Malai Malar" dated 25.01.2023

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