



O.P.No.550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.03.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.550 of 2022

- 1.Mary Teresa Geetha,
W/o.Dominic Jude Philips,
D/o.late L.S.Roy and late Meena Roy,
Flat No.S4, JVL Paradise, Door No.49, New Avadi Road,
Kilpauk, Chennai – 600 010.
- 2.Immanuel Raja Sathia Lourdu,
S/o. late L.S.Roy and late Meena Roy, temporarily at
Flat No.5-4, JVL Paradise, Door No.49, New Avadi Road,
Kilpauk, Chennai – 600 010.
Represented by his Power Agent Mary Teresa Geetha ... 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 may be granted to the first petitioner with power to collect the debts and receive interest if any specified in the schedule A hereto.

For Petitioners : Mr.V.Krishnamurthy



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ORDER

The petitioners seek a succession certificate in respect of the debts described in the schedule to this petition.

2.The petitioners assert that their father, L.S.Roy, died on 26.01.2021. They state that he ordinarily resided at the address specified at paragraph 4 of the petition, which is within the jurisdiction of this Court. By further asserting that no Will was found in spite of a diligent search and that he, therefore, died intestate, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the 1st petitioner as PW1. In course of her examination-in-chief, the 10 documents listed at the foot of this order were exhibited as Exs.P1 to P10. The death certificate of the L.S.Roy (Ex.P1) reveals that he died on 26.01.2021. His address is also disclosed therein, and such address is within the jurisdiction of this Court. The death certificate of the petitioners' mother, Meena Roy (Ex.P2), reveals that she died on 19.08.2020. The legal heirship certificate in respect of the petitioners' father (Ex.P3) discloses the names of the petitioners as the legal heirs of the



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deceased. As evidence of debts due to the deceased, Exs.P6 to P8 were placed on record. The 2nd petitioner has provided a consent affidavit (Ex.P9). Paper publication was also effected (Ex.P10).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed. Consequently, O.P.No.550 of 2022 is allowed by granting a succession certificate to the 1st petitioner in respect of the debts described in the schedule to the petition. Consequently, the 1st petitioner is entitled to collect the debts, receive interest thereon and negotiate and transfer the same.

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Petitioner's witness:

P.W.1 – Mrs.Mary Teresa Geetha



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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Death certificate of L.S.Roy
Ex.P2	Death certificate of Meena Roy
Ex.P3	Legal heirship certificate of L.S.Roy
Ex.P4	Power of Attorney of Immanuel Raja Sathia Lourdu in favour of Mary Teresa Geetha
Ex.P5	Aadhar card of the 1 st petitioner
Ex.P6	Senior Citizen Saving Scheme. Postal saving bank passbook A/c.No.3699334678
Ex.P7	Senior Citizen Saving Scheme. Postal saving bank passbook A/c.No.4161928937
Ex.P8	Senior Citizen Saving Scheme. Postal saving bank passbook A/c.No.3680390232
Ex.P9	Consent affidavit filed by the 1 st petitioner on behalf of the 2 nd petitioner
Ex.P10	Paper Publication effected on 09.11.2022



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