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O.P.No.193 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.193 of 2022

A.Rani,
D/o.Late. Krishnan,
W/o.Arumugam,
No.111, 7th Street,
New Boopathy Nagar,
Chetpet, Chennai-600 031.

... Petitioner

VS

L.Pushparani
D/o.Late.Krishnan
W/o.Lazar,
No.112, New Boopathy Nagar,
Chetpet, Chennai-600 031.

... Respondent

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 for Succession Certificate under Part X of the Indian Succession Act r/w. Under Order XXV Rule 5 of Original Side Rules, prays that (a) a Succession Certificate may be granted to the Petitioner with power to collect the debts and to receive the specified in the schedule hereto and (b) to pass such further or other order as to this Court may deem fit and proper under the circumstances of the case on hand.



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For Petitioner : Ms.C.Selvi

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ORDER

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

2. The petitioner states that she is the sister of the late K.Shanmuga Sundaram. According to the petitioner, her parents, the late Krishnan and the late K.Palayammal, had three children, namely, the petitioner, the respondent herein, and her deceased brother, K.Shanmuga Sundaram. The petitioner asserts that her father died on 24.12.1994 and her mother on 21.07.2009. Therefore, it is stated that upon the death of her brother, the petitioner and the respondent are the surviving legal heirs.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining herself as PW1. In course of the examination-in-chief of PW1, the 16 documents listed at the foot of this order were exhibited as Exs.P1 to P16. The death certificate of the petitioner's brother (Ex.P7) discloses that he died on 14.10.2019. It also discloses his address, which is within the jurisdiction of this Court. The



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death certificate of the petitioner's mother (Ex.P9) discloses that she died on 21.07.2009. The legal heirship certificate of the petitioner's father (Ex.P8) discloses that he died on 24.12.1994. It also discloses the names of the petitioner, respondent, and the deceased brother of the petitioner as the then surviving legal heirs. The said legal heirship certificate also mentions that the petitioner's brother died unmarried. The family card of the deceased (Ex.P3) only discloses the name of his father, the late Krishnan. The consent affidavit of the respondent is on record (Ex.P16). Paper publication was also effected (Ex.P15).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Consequently, O.P.No.193 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the debts described in the schedule to the petition. Hence, the petitioner is entitled to collect the debts and receive interest accruals thereon.

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Petitioner's witness:

P.W.1 – Ms.A.Rani

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the office order dated 30.12.2019 issued by the Southern Railway terminating the service and furnishing the service particulars of deceased K.Shanmuga Sundaram (Compared with the original)
Ex.P2	The original letter dated 10.02.2021 issued by the Southern Railway in respect of settlement dues of deceased K.Shanmuga Sundaram (Compared with the original).
Ex.P3	The photocopy of the Family card of K.Shamuga Sundaram (Compared with the original).
Ex.P4	The photocopy of the bona fide certificate dated 25.04.2013 issued by the Southern Railway (Compared with the original).
Ex.P5	The photocopy of the PAN card of K.Shanmuga Sundaram (Compared with the original).
Ex.P6	The photocopy of the Aadhaar card of K.Shanmuga Sundaram (Compared with the original).
Ex.P7	The computer generated death certificate of K.Shanmuga Sundaram.
Ex.P8	The computer generated Legal Heirship Certificate of Krishnan.
Ex.P9	The computer generated death certificate of K.Palayammal.
Ex.P10	The photocopy of the Aadhaar card of K.Shanmuga Sundaram (Compared with the original).
Ex.P11	The photocopy of my Voter Identify Card (Compared with the original).
Ex.P12	The photocopy of my PAN card (Compared with the original).
Ex.P13	The photocopy of My Aadhaar card (Compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P14	The photocopy of the Voter Identify Card of the respondent (Compared with the original).
Ex.P15	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 08.11.2022.
Ex.P16	The consent affidavit given by the respondent.

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