



O.P.No.740 of 2022

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N.SATHISH KUMAR, J.

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the petitioner is the son of the deceased Mr.Johnny Suresh and the respondents are the wife and son of the second son of the deceased namely Mr.Ramesh Johnny Suresh. The wife of the deceased Johnny Suresh died on 16.05.2015. The second son of the deceased Mr.Johnny Suresh namely Mr.Ramesh Johnny Suresh died on 26.12.2016. The deceased Mr. Johnny Suresh died on 16.05.2015, intestate leaving behind the petitioner and respondents as surviving legal heirs. The



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deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts mentioned in the schedule. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of claiming bank deposits and accessing/opening the locker in State Bank of India, Egmore Branch to a value of Rs.4,00,000/-. Hence, the petitioner has approached this Court for grant of succession certificate in favour of the him with power to collect the securities and to receive the interests and dividends thereon and negotiate and transfer the securities as specified in the schedule.

4. The petitioner was examined as P.W.1 and marked Ex.P1 to Ex.P.14.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Succession Certificate in favour of petitioner. Ex.P.1 is the computer generated death certificate of the deceased Johnny Suresh. Ex.P2 is the



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original legal heirship certificate of the deceased Johnny Suresh. Ex.P3 is the computer generated death certificate of Mrs.Johnny Suresh/wife of Mr.Johnny Suresh. Ex.P5 is the computer generated death certificate of Mr.Ramesh Johnny Suresh/second son of the deceased Mr.Johnny Suresh. Exs.P8 to P13 are the photocopies of the Bank passbooks standing in the name of the deceased Mr.Johnny Suresh. Ex.P.14 is the copy of the paper publication. Despite Ex.P.14 paper publication, none objected and the same is recorded. The respondents have filed their consent affidavit in granting succession certificate to the petitioner.

6. Considering the averments made in the petition as well as the documents, this petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioner with power to collect the securities, debts, to receive interest, dividends on, negotiate and transfer the securities specified in the schedule together with interest as applicable till the date of withdrawal, is issued.

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