



O.P.No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.3 of 2023

1. S.Rekha Jain
Rep. by POA S.Sanjay Jain
 2. S.Sanjay Jain
 3. Aarthi Jain
Rep. by POA S.Sanjay Jain
 4. Divya Jain.S
Rep. by POA S.Sanjay Jain
- ... Petitioners

Original Petition is filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the second petitioner with power to collect the debts and to receive the interest specified hereto.

For Petitioners : Mr.E.Vinoth Kumar

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the second petitioner with the power to collect debts and receive the interest specified in the Schedule.



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2. The averments in the petition are as follows:-

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The movable asset which is the bank balance of one Suresh Chand Jain was maintained by him during his lifetime. The petitioners are the wife and children of Suresh Chand Jain. The said Suresh Chand Jain died intestate on 27.07.2020 leaving behind the petitioners as his only legal heirs. Hence they are entitled to inherit the petition mentioned asset and they have filed this petition seeking for grant of succession certificate.

3. The second petitioner examined himself as P.W.1 and marked the following documents:

<i>Exhibits</i>	<i>Documents</i>
P1	Original Power of Attorney dated 09.03.2022 executed by the first, third and fourth petitioner in favour of second petitioner
P2	Computer generated death certificate of Mr.Suresh Chand Jain
P3	Computer generated legal heirship certificate of Mr.Suresh Chand Jain
P4	Photocopy of the PAN card of Mr.Suresh Chand Jain (compared with the original)
P5	Photocopy of the Aadhar Card of Mr.Suresh Chand Jain (compared with the original)
P6	Photocopy of the Aadhar Card of first petitioner (compared with the original)
P7	Photocopy of the Aadhar Card of second petitioner (compared with the original)
P8	Photocopy of the Aadhar Card of third petitioner (compared with the original)
P9	Photocopy of the Aadhar Card of fourth petitioner (compared with the original)



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<i>Exhibits</i>	<i>Documents</i>
P10	Original Authorization Letter dated 15.07.2021 executed in favour of petitioners 1, 3 & 4.
P11	Photocopy of the State Bank Savings account Passbook bearing Account No.10792659035 in respect of Mr.Suresh Chand Jain (compared with the original)
P12	Copy of the letter dated 12.05.2021 written by the second petitioner to the Branch Manager, State Bank of India, OMR Branch.
P13	Original reply dated 13.05.2021 addressed to the second petitioner by the Branch Manager, State Bank of India, OMR Branch.
P14	Original Death summary of Mr.Suresh Chand Jain
P15	Copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 15.03.2023.

4. The death certificate of Suresh Chand Jain is marked as Ex.P2.

From the legal heirship certificate of Suresh Chand Jain which is marked as Ex.P3 it is seen that the petitioners are his only legal heirs. Ex.P11 is the bank passbook held by Suresh Chand Jain and the same is described in the schedule of assets. In order to show that the petitioners 1, 3 & 4 did not have any objection to issue succession certificate in favour of the petitioner by demarcating the respective shares of the petitioners in equal proportion, the authorisation letter dated 15.07.2021 executed by the petitioners 1, 3 & 4 is marked as Ex.P10 and the Power of Attorney executed by them in favour of the petitioners is marked as Ex.P1. Ex.P13 is the reply given to the petitioner by the Branch Manager of State Bank of India, OMR Branch, for the request to disburse the amount and in the said reply the bank has



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required the petitioner to produce succession certificate.

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5. Paper publication effected. Attracted no objectors.

6. Since the deceased died intestate, the petitioners who are his legal heirs have got the right to inherit the asset mentioned in the schedule equally among themselves. The oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate. Since the petitioners 1, 3 & 4 have given authorization letter and executed power of attorney in favour of the second petitioner, I feel that succession certificate can be issued for the second petitioner.

7.Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the second petitioner, with power to collect the debts and to receive the interest specified in the schedule, on payment of appropriate succession duty, if not paid already.

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APPENDIX



Witness Examined:

P.W.1 – Mr.Suresh Chand Jain

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Documents marked:

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R.N.MANJULA, J.

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