



O.P.No.680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.680 of 2022

N.Parameswari

... Petitioner

Vs

N.Viswanahan

... 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 with power to collect the debts and to receive the interest as specified in the schedule annexed hereto.

For Petitioner : Ms.S.Vasuki

For Respondent : Ms.Indumathi

ORDER

The petitioner seeks Succession Certificate in respect of the debts held by L.Kannappan, who died intestate on 29.03.2020. The petitioner and the respondent are the grandchildren of late Saradha, who was the elder sister of late Radhabai, and the said Radhabai was married to one L.Kannappan Mudaliar.



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2. The petitioner submits that the above said Radhabai and L.Kannappan had no issues and there are no class-I and Class-II legal heirs for them. The father of the petitioner and the respondent late.S.Natarajan, was taking care of Radhabai and L.Kannappan during their life time. It is pertinent to note that during the life time of Radhabai and L.Kannappan they executed a Will dated 12.10.2010 in favour of the petitioner and respondent, and the same was duly registered vide Doc No.121/2010 at SRO Anna Nagar. The said Radhabai died on 29.06.2014 and her husband L.Kannappan died on 29.03.2020. The said Will was probated in O.P.No.417 of 2021 by this Court by an Order dated 13.08.2021. The petitioner further asserts that late L.Kannappan during his life time has submitted his requisition for appointing the petitioner herein, as the nominee for his accounts and deposits in the Indian Overseas Bank, and based on that when the petitioner approached the bank they informed that there is no change of nomination, and the same stands in the name of his pre-deceased wife, so succession certificate is necessary for availing the credits which stands in the name of the deceased L.Kannappan.

3. The petitioner has been examined as P.W.1. She has produced the death certificates of the deceased L.Kannappan and Radhabai, as Exs.P1 and P2. The photocopy of the probate Order dated 13.08.2021 passed by this



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Hon'ble Court in O.P.No.417 of 2021 as Ex.P7. The photocopy of the letter dated 10.08.2017 written by the deceased L.Kannappan to the Manager, Indian Overseas Bank regarding appointment of nominee for his bank account and deposits as Ex.P8. The respondent has given his consent affidavit expressing his no objection for the grant of succession which is marked as Ex.P11. A paper publication has been made and any objections have not been received.

4. In view of the above said evidence, the Original Petition is allowed by granting Succession Certificate in favour of the petitioner since the respondent has signified 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

Petitioner's witness:

P.W.1 – Ms.N.Parameswari

Documents exhibited by the petitioner:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Kannapan.L
Ex.P2	Computer generated death certificate of Mrs.K.Radhabai
Ex.P3	Photocopy of the petitioner's Aadhar card
Ex.P4	Photocopy of the Aadhar card of Mr.N.Viswanathan, the respondent herein
Ex.P5	Photocopy of deposit receipt of Indian Overseas Bank dated 11.01.2018 deposited by Mr.L.Kannappan
Ex.P6	Photocopy of bank passbook of Indian Overseas Bank bearing account No.131301000000687 in respect of Mr.L.Kannappan
Ex.P7	Photocopy of the probate order dated 13.08.2021 passed in O.P.No.417 of 2021
Ex.P8	Photocopy of the letter dated 10.08.2017 written by Mr.L.Kannappan to the Manager, Indian Overseas Bank regarding appointment of nominee for this bank account and deposits
Ex.P9	Photocopy of the letter dated 18.06.2020 written by the petitioner to the Manager, Indian Overseas Bank regarding transfer of balance amount held in Mr.Kannappan's account to my account
Ex.P10	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 03.02.2023
Ex.P11	Consent affidavit given by the respondent

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