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O.P.No.118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.08.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.118 of 2023

M.Sasikumar

... Petitioner

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

For Petitioner : Mr.M.Sriram

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned debts of the deceased V.Ramachandran.

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

The movable assets described in the schedule of the petition belongs to one V.Ramachandran. The petitioner is the adopted son of the deceased through an Adoption Deed dated 08.08.2019. Even though



O.P.No.118 of 2023

V.Ramachandran executed a Will dated 16.08.2019, in respect of his immovable property, the movable assets mentioned in the petition were not mentioned in the Will. The said V.Ramachandran died on 07.05.2021 and his wife Parameswari predeceased him on 03.05.2021. Since the petitioner is the adopted son of V.Ramachandran and Parameswari and the said V.Ramachandran died intestate in respect of the movable assets, the petitioner is entitled to inherit the same. There are no other legal heirs of the deceased except the petitioner herein. He required to produce Succession Certificate in order to operate the Bank Account and get the Fixed Deposit amount. Therefore, the petitioner has filed this petition seeking issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The petitioner examined himself as PW.1 and Ex.P1 to Ex.P8 were marked through him.

5. Ex.P1 adoption deed dated 08.08.2019 would show that the petitioner is the adopted son of the deceased. Ex.P4 death certificate would show that V.Ramachandran died on 07.05.2021. Ex.P3 is the death certificate of Parameswari who died on 03.05.2021. Ex.P5 legal heir



O.P.No.118 of 2023

certificate of the deceased would show that the petitioner alone is the legal heir of the deceased. The petitioner who is the only legal heir has got the right to inherit the debts mentioned in the schedule. Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate as prayed by him.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petitioner on payment of appropriate succession duty, if not paid earlier.

18.08.2023

Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.M.Sasikumar

Documents marked:



O.P.No.118 of 2023

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The certified copy of the Adoption Deed dated 08.08.2019 executed by V.Ramachandran and R.Parameswari, registered as Document No.204 of 2019 in Book-IV, SRO, Anna Nagar.
Ex.P2	The certified copy of the Will executed by V.Ramachandran registered as Document No.42 of 2021, SRO, Anna Nagar, Chennai dated 16.08.2019.
Ex.P3	the computer generated copy of the death certificate of Parameswari dated 03.05.2021.
Ex.P4	the computer generated copy of the death certificate of V.Ramachandran dated 07.05.2021.
Ex.P5	the computer generated copy of the legal heir certificate of V.Ramachandran dated 09.08.2021.
Ex.P6	the photocopy of the Fixed Deposit Receipt in No.0946771/000904511500126 with Indian Overseas Bank, Ayanawaram Branch in the name of V.Ramachandran dated 22.01.2020.
Ex.P7	the photocopy of the passbook of saving Bank Account No.000901000000685 of V.Ramachandran with Indian Overseas Bank, Ayanawaram Branch.
Ex.P8	the photocopy of the Fixed Deposit Receipt in No.756509/205056628/523496 with Chennai Central Co-operative Bank Ltd., 215, Prakasam Salai, Broadway, Chennai - 108 in the name of V.Ramachandran dated 20.02.2020.



WEB COPY

gsk



O.P.No.118 of 2023

18.08.2023



O.P.No.118 of 2023

R.N.MANJULA, J.

gsk

O.P.No.118 of 2023

18.08.2023