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O.P.No.117 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.117 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 the powers to collect the debts and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

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 R.Parameswari.

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

The petitioner claims himself as an adopted son of the deceased parents Ramachandran and Parameswari. The Parameswari is said to have been operating the Bank Account by opening the Savings Bank Account in



O.P.No.117 of 2023

Indian Overseas Bank, Ayanavaram Branch and there is a bank balance in her account. The said Parameswari died on 03.05.2021 by leaving behind her husband and the adopted son, the petitioner herein, as her only legal heirs. Her husband Ramachandran also died subsequently on 07.05.2021. So the petitioner alone is the only legal heir of the deceased Parameswari. Hence the petitioner has filed this petition seeking Succession Certificate to withdraw the money lying in the account of the deceased.

3. Paper publication effected. There is no objector.

4. The petitioner examined himself as P.W.1 and Ex.P1 to Ex.P7 were marked.

5. Ex.P1 is the photocopy of the adoption deed dated 08.08.2019 executed in favour of the petitioner. Ex.P2 is the death certificate of R.Parameswari who died on 03.05.2021. Ex.P3 is the death certificate of V.Ramachandran who died on 07.05.2021. Ex.P4 is the legal heir certificate of V.Ramachandran. Since the deceased died intestate, the petitioner who is the only surviving legal heir, has got the right to inherit the debts mentioned in the schedule. Therefore, the petitioner has filed this Petition for grant of



O.P.No.117 of 2023

Succession Certificate.

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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 debts specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if not paid earlier.

22.09.2023

Index :Yes/No
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O.P.No.117 of 2023

APPENDIX

Petitioner's Witness:

P.W.1 – Mr.M.Sasikumar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of adoption deed dated 08.08.2019 executed in favour of the petitioner.
Ex.P2	The computer generated death certificate of R.Parameswari.
Ex.P3	The computer generated death certificate of V.Ramachandran.
Ex.P4	The computer generated legal heirship certificate of V.Ramachandran.
Ex.P5	The photocopy of the Bank passbook in Indian Overseas Bank, Ayanavaram Branch bearing A/C.No.000901000014037 standing in the name of R.Parameswari.
Ex.P6	The photocopy of the Bank Passbook statement for the period from 03.11.2020 to 20.04.2021 in Indian Overseas Bank, Ayanavaram Branch bearing A/C.No.000901000014037 standing in the name of R.Parameswari.
Ex.P7	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 17.08.2023.

22.09.2023

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O.P.No.117 of 2023

R.N.MANJULA, J.

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O.P.No.117 of 2023

22.09.2023