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O.P.No.546 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.02.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.546 of 2022

1.N.Muruganandam

2. N.Poonguzhali

3.N.Adichelvi

4.N.Chitra

5.N.Arul Jothi

6.N.Ethiya

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a 'Succession Certificate' may be granted in favour of the first petitioner with power to collect the debts and to receive the interest specified in the schedule in the schedule hereto.

For Petitioners : M/s.P.R.Sathyanarayanan



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ORDER

The petitioners seek the grant of succession certificate in respect of the debts described in the schedule to the petition.

2. The petitioners state that they are the children of the late P.Narayanasami. It is further asserted that he died intestate on 16.06.2021 and that no Will was found in spite of a diligent search for the same. By an affidavit affirmed on 20.02.2023, the 4th petitioner stated that her father did not have a fixed place of residence and that he spent a considerable period of time staying with her at Mylapore, Chennai. It is also stated that the assets in respect of which the present petition is filed are within the jurisdiction of this Court. The petitioners assert that Tmt.N.Narayani, the wife of the deceased and mother of the petitioners, pre-deceased him. On the basis that the petitioners are the only surviving Class I legal heirs of the deceased, the present petition has been filed.



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3. In order to establish entitlement to the relief claimed, the 1st petitioner adduced evidence by examining himself as PW1. In course of examination-in-chief, the 18 documents listed at the end of this order were exhibited as Exhibits P1 to P18. The death certificate of P.Narayanasami (Exhibit P2) discloses that he died on 16.06.2021. The name of his wife, N.Narayani, is also mentioned therein. The death certificate of N.Narayani (Exhibit P1) discloses that she died on 30.05.2021. The legal heirship certificate of P.Narayanasamy (Exhibit P3) discloses the names of the 6 petitioners as the surviving Class I legal heirs as on 24.06.2021. It also discloses the name of M.Narayani and indicates that she died. As evidence of entitlement of the deceased to the debts, exhibits P10 to P12 have been placed on record. The consent affidavits of petitioners 2 to 6 are on record as Ex.P17 to Ex.P30.

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed.



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5. Therefore, and O.P.No.546 of 5022 is allowed by directing that a succession certificate be issued to the 1st petitioner in respect of the debts described in the schedule to the petition. Consequently, the 1st petitioner is entitled to collect the debts, receive interest thereon and negotiate and transfer the same.

24.02.2023

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Index : Yes / No

Internet : Yes / No

Petitioners' witness:

P.W.1 - Mr.N.Muruganandam

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of N.Narayani
Ex.P2	Computer generated death certificate of P.Narayanasami
Ex.P3	Computer generated copy legal heirship certificate of P.Narayanasami
Ex.P4	Photocopy of the Aadhaar card of the 1 st petitioner (Compared with the original)
Ex.P5	Photocopy of the Aadhaar card of the 2 nd petitioner (Compared with the original)



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Photocopy of the Aadhaar card of the 3 rd petitioner (Compared with the original)
Ex.P7	Photocopy of the Aadhaar card of the 4 th petitioner (Compared with the original)
Ex.P8	Photocopy of the Aadhaar card of the 5 th petitioner (Compared with the original)
Ex.P9	Photocopy of the Aadhaar card of the 6 th petitioner (Compared with the original)
Ex.P10	Photocopy of the post office savings bank passbook bearing account No.4040361947 standing in the name of Mr.P.Narayanasamy (Compared with the original)
Ex.P11	Photocopy of the claim application submitted by the 1 st petitioner to the Post Master, Park Town HPO (Compared with the original)
Ex.P12	Photocopy of the letter dated dated 28.01.2022 addressed to 1 st petitioner by the Post Master, Park Town HPO (Compared with the original)
Ex.P13	Consent affidavit given by the 2 nd petitioner.
Ex.P14	Consent affidavit given by the 3 rd petitioner.
Ex.P15	Consent affidavit given by the 4 th petitioner.
Ex.P16	Consent affidavit given by the 5 th petitioner.
Ex.P17	Consent affidavit given by the 6 th petitioner.
Ex.P18	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 17.11.2022.

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