



O.P.No.572 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.08.2023**

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**O.P.No. 572 of 2022**

1.Padma Ananth  
2.S.Jayalakshmi  
3.V.Srinivasan

... Petitioners

**PRAYER:** Original Petition filed for Succession Certificate 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 to the petitioners with power to collect the debts and to receive the interest if any due thereon with accrued interest specified in the schedule hereunder.

For Petitioners : Mr.John Zachariah

**ORDER**

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition mentioned securities owned by late S.Varadarajan.

2. The bank balance is the asset belonged to one S.Varadharajan who is the father of the petitioners 1 to 3. S.Varadarajan died intestate on 07.12.2021 by leaving the petitioners alone as his legal heirs. He did not



O.P.No.572 of 2022

appoint any nominee. The parents of S.Varadharajan also predeceased him.

Since the petitioners were not able to operate the bank account without producing Succession certificate in the bank, they have come forward with this petition for seeking succession certificate.

3. The 1<sup>st</sup> petitioner is examined herself as PW.1 and Exs.P1 to P6 were marked through her and they are listed as hereunder:

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                |
|------------------------|--------------------------------------------------------------------------------------------------------|
| Ex.P1                  | The photocopy of the Aadhar card of the second petitioner. (compared with the original)                |
| Ex.P2                  | The photocopy of the Death Certificate of S.Varadarajan dated 07.12.2021                               |
| Ex.P3                  | The photocopy of the Legal Heir Certificate of S.Varadarajan dated 20.12.2021                          |
| Ex.P4                  | The photocopy of the Death Certificate of Mohambal dated 08.08.2021                                    |
| Ex.P5                  | The computer generated copy of the Account Statement of Mr.Varadarajan.S from 01.01.2022 to 07.05.2022 |
| Ex.P6                  | The original Paper Publication made on a Tamil Daily.                                                  |

5. The mother of the petitioners predeceased their father S.Varadharajan and the death certificates of S.Varadharajan and his wife late Mrs.Mohambal have been produced as Exs.P2 and P4. It is seen from the legal heir certificate of S.Varadharajan that the petitioners are the only surviving legal heirs of the deceased S.Varadharajan. The paper publication issued in Tamil daily 'MAKKAL KURAL' dated 06.12.2022 did not attract



O.P.No.572 of 2022

any objectors. The account statement issued by State Bank of India, bearing account No.00000010150941076 has been marked as Ex.P5 would show the bank balance in the account of late S.Varadharajan.

6. The oral evidence of PW.1 along with documentary evidence produced by the petitioners proved the claim of the petitioners. Since S.Varadharajan died intestate his legal heirs are entitled to get succession certificate in respect of the petition mentioned bank balance.

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioners 1 to 3 with power to collect the debts with interest and dividends on and negotiate and transfer the petition mentioned securities in equal proportion on payment of appropriate succession duty, if it not paid already.

**04.08.2023**

jrs

Index :Yes/No



WEB COPY



O.P.No.572 of 2022

**R.N.MANJULA, J.**

jrs

**O.P.No. 572 of 2022**

**04.08.2023**