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O.P.No.41 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.41 of 2023

1. Sambathamoorthy
2. Panneer Selvan
3. Dhanasekaran
4. S.Rajkumar
5. S.Thangaraj

...

Petitioners

Original Petition is filed under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the fourth petitioner with the power to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioners : Mr.P.G.Santhosh Kumar

ORDER

This petition is filed under section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the fourth petitioner with power to collect the debts and to receive the interest specified in the schedule hereto.

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



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The petition mentioned movable assets like Employee's Provident Fund and the bank balance of Savings Bank Account were owned by one K.S.Ayyanathan. The said K.S.Ayyanathan died intestate on 15.05.2021. The deceased K.S.Ayyanathan remained unmarried and he did not have any issues of his own. The petitioners are the brothers of the deceased K.S.Ayyanathan. The father and mother of K.S.Ayyanathan predeceased him on 10.03.1999 and 17.02.1995 respectively. After the demise of K.S.Ayyanathan, the petitioners, as his Class-II legal heirs have filed this petition for grant of succession certificate.

3. The fourth petitioner examined himself as P.W.1 and marked Exs.P1 to P10.

4. Exs.P1 & P5 are the death certificates of the mother and father of K.S.Ayyanathan respectively. Ex.P4-death certificate would show that K.S.Ayyanathan died on 15.05.2021. Ex.P2 is the bank passbook of the Savings Bank Account standing in the name of K.S.Ayyanathan. Ex.P3 is the passbook of Employee's Provident Fund Organisation owned by K.S.Ayyanathan. The consent affidavits of petitioners 1, 2, 3 & 5 are marked as Exs.P6 to P9 respectively.



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WEB COPY 5. Paper publication issued in one issue of Tamily daily “Makkal Kural” dated 12.04.2023 did not attract any objectors.

6. Since the deceased died intestate, the petitioners who are the Class II legal heirs have got the right to inherit the petition mentioned assets equally among themselves. However the petitioners 1, 2, 3 and 5 have given consent in favour of the fourth petitioner for grant of succession certificate. The above documentary evidence produced by fourth petitioner would prove his entitlement for the grant of Succession Certificate as prayed.

7. Hence:

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

(b) The Succession Certificate shall be issued in favour of the fourth petitioner, with power to collect the debts and to receive the interest specified in the schedule on payment of appropriate succession duty, if it not paid already.

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Witnesses examined:



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P.W.1 – S.Rajkumar

Documents marked :

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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Valliammal
Ex.P2	Photocopy of the City Union Bank limited Passbook bearing Account No.001001000031655 standing in the name of K.S.Ayyanathan.
Ex.P3	Photocopy of the Employee's Provident Fund Organisation, Member passbook of K.S.Ayyanathan.
Ex.P4	Computer generated death certificate of K.S.Ayyanathan
Ex.P5	Photocopy of the death certificate of Singaravelu
Ex.P6	Consent affidavit of first petitioner
Ex.P7	Consent affidavit of second petitioner
Ex.P8	Consent affidavit of third petitioner
Ex.P9	Consent affidavit of fifth petitioner
Ex.P10	Paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 12.04.2023

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