



O.P.No.149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.149 of 2023

1.N.Urbane Jeevaraj
2.N.Gabriel Vijayanathan
3.N.Bridget Peter Manoharan
4.N.Mary Rajeswari
5.N.Erasmus Rajasekaran
6.Mrs.Fathima
7.Ms.Ferdin Sunitha

... Petitioners

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 petitioners 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 Petitioners : Mr.T.Dhanasekaran

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned debts of the deceased N.Nithyanandan.



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

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N.Nithyanandan has leased out the property situated at Door No.250, Suryanarayana Street, Royapuram, Chennai – 600 013 by a lease deed dated 09.12.2004 to M/s.Bharat Petroleum Corporation Limited, for 30 years from 01.10.2004 for a rental amount of Rs.38,000/- per month with 15% escalation for every 5 years. The said N.Nithyanandan was unmarried and died intestate on 19.05.2020. The petitioners 1 to 5 are the brothers and sister of the deceased N.Nithyanandan. The petitioners 6 and 7 are the wife and daughter of one of deceased brother of N.Nithyanandan. The parents of the deceased predeceased him. The petitioners are the class – II legal heirs of the deceased N.Nithyanandan. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioners. Since Succession Certificate is required for the purpose of claiming the lease amount lying in name of the deceased N.Nithyanandan, the petitioners have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.



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WEB COPY 4. The third petitioner examined himself as P.W.1 and Ex.P1 to Ex.P6 were marked.

5. Ex.P3 is the death certificate of N.Nithyanandan who died on 19.05.2020. Ex.P6 is the certified copy of the lease deed dated 09.12.2004. Since the deceased died intestate, the petitioners who are the only surviving legal heirs, have got the right to inherit the debts mentioned in the schedule. Therefore, the petitioners have filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners, with power to collect the debts with interest and dividends on and negotiate and transfer the debts specified in the schedule to the Petition



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in equal proportion on payment of appropriate succession duty, if not paid

earlier.

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Index :Yes/No
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APPENDIX

Petitioners' Witness:

P.W.1 – Mr.N.Bridget Peter Manoharan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the legal heirship certificate of N.Francis Soundararajan.
Ex.P2	The computer generated death certificate of N.Jayapushpammal.
Ex.P3	The computer generated death certificate of Nithyanandan.
Ex.P4	The photocopy of the savings account bank passbook held by N.Francis Soundararajan in Indian Overseas Bank, Anna Salai Branch.
Ex.P5	The paper publication effected in Tamil Daily “Makkal Kural” dated 07.06.2023.
Ex.P6	The certified copy of the lease deed dated 09.12.2004.

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