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O.P.No.190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.190 of 2023

1. V.Sasikala
 2. V.Sakthi
 3. Master V.Sai Vignesh
- Represented by his mother and natural guardian
V.Sasikala ... 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 to the petitioners with the power to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioners : Mr.G.Sathishkumar
for M/s.GSK Law Firm

ORDER

The petition 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 petitioners 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 assets set out in the schedule of the petition belongs to one P.Venkitesan. The said P.Venkitesan died intestate on 15.08.2018 leaving behind his wife and children as his legal heirs. The 1st petitioner is the wife and the second and third petitioners are children of the deceased P.Venkitesan. The mother of the deceased by name Pachiammal died on 25.06.2021. Since P.Venkitesan died intestate, the petitioners have filed this petition to get the Succession Certificate in respect of the assets mentioned in the petition.

3. News paper publication effected in Tamil Daily “Makkal Kural” dated 08.07.2023 attracted no objectors.

4. The first petitioner examined herself as P.W.1 and Exs.P1 to P13 were marked through her and the second petitioner examined himself as P.W.2. and no exhibits were marked on her behalf.

5. Ex.P1 is the death certificate of Venkitesan.P who died on 15.08.2018. Ex.P3 is the death certificate of Pachiammal. The legal heirship certificate of the deceased P.Venkitesan which is marked as Ex.P2 would show that the petitioners alone are the legal heirs of the deceased. Exs.P9 is



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the statement of accounts of bank account of P.Venkitesan.

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6. Since the deceased died intestate, the petitioners who are the legal heirs have got the right to inherit the assets mentioned in the schedule equally among themselves. The above documentary evidence produced by petitioners would prove their 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 petitioners, with power to collect the debts and to receive the interest specified in the schedule in equal proportion on payment of appropriate succession duty, if it not paid already.

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Index :Yes/No



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Witnesses examined:

P.W.1 – Mrs.V.Sasikala

P.W.2 – Ms.V.Sakthi

Documents marked :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Venkitesan.P
Ex.P2	Computer generated legal heir certificate of Venkitesan.P
Ex.P3	Computer generated death certificate of Pachaiyammal
Ex.P4	Photocopy of the Aadhaar Card of Venkitesan.P (Compared with the original)
Ex.P5	Photocopy of the PAN Card of Venkitesan.P (Compared with the original)
Ex.P6	Photocopy of P.W.1's Aadhaar Card (compared with original)
Ex.P7	Photocopy of P.W.1's PAN Card (compared with original)
Ex.P8	Original letter dated 01.07.2022 sent by the authorized signatory of HDFC Bank Limited to M/s. Sakthi Engineers, the proprietor concern of Venkitesan.P
Ex.P9	Downloaded statement of accounts of M/s.Sakthi Engineers with Vadapalani Branch, HDFC Bank Limited
Ex.P10	Downloaded copy of Portal of GST to show that deceased Venkitesan. P is the proprietor of Sakthi Engineers.
Ex.P11	Downloaded copy of the Certificate GST Registration to show that Venkitesan P is the proprietor of Sakthi Engineers.
Ex.P12	Certificate under Section 65B of the Evidence Act for Exs.P9, P10 and P11.
Ex.P13	Copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 08.07.2023.

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