



O.P.No.585 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.585 of 2022

- 1.K.L.Ilavarasi
 - 2.C.Malarvizhi
 - 3.M.Baskaran
 - 4.B.Aishwarya
 - 5.B.Harikumaran
- ... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under 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 interest specified in the schedule hereto.

For Petitioners : Mr.T.Sundaravadanam

ORDER

The petitioners seek Succession Certificate in respect of the debts held by Hemamalini Kalanitthi, who died intestate on 08.09.2020. The first and second petitioners are the daughters of the deceased. The third to fifth petitioners are the legal heirs of the pre-deceased daughter B.Kanimozhi,



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who are also the son-in law and grandchildren of the deceased.

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2. The first petitioner has been examined as P.W.1. She has produced the death certificates of the deceased Hemamalini Kalanitthi and B.Kanimozhi, which have been marked as Exs.P13 and P10. The legal heirship certificates of the deceased Hemamalini Kalanitthi and B.Kanimozhi, have also marked as Exs.P16 and P11. A perusal of Exs.P16, shows that the first and second petitioners are the Class I legal heirs, of the deceased Hemamalini Kalanitthi and a perusal of Ex.P11 shows that the third to fifth petitioners are the only Class-I legal heir of the deceased daughter B.Kanimozhi. It is pertinent to note that O.P.No.587 of 2022, is filed by the petitioners herein, for grant of succession certificate for the debts held by their deceased father and grandfather namely, Dr.A.N.Kalanitthi, and the same is also granted accordingly. A paper publication has been made and any objections have not been received.

3. In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the petitioners in respect of the debts mentioned in the schedule to the petition.

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Index : Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioners' witness:

P.W.1 — Mrs.K.L.Ilavarasi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of Aadhar card of B.Kanimozhi
Ex.P2	Photocopy of Aadhar card of K.Hemamalini
Ex.P3	Photocopy of Aadhar card of An.Kalanitthi
Ex.P4	Photocopy of the first petitioner's bank passbook in Union Bank of India, Anna Nagar Branch
Ex.P5	Photocopy of Aadhar card of second petitioner
Ex.P6	Photocopy of Aadhar card of third petitioner
Ex.P7	Photocopy of Aadhar card of fourth petitioner
Ex.P8	Photocopy of Aadhar card of fifth petitioner
Ex.P9	Photocopy of passbook in public provident account held by K.Hema Malini in State Bank of India, Anna Nagar Branch
Ex.P10	Computer generated death certificate of B.Kanimozhi
Ex.P11	Computer generated legal heirship certificate of B.Kanimozhi
Ex.P12	Photocopy of post office savings bank passbook held by K.Hemamalini at Anna Nagar Post Office
Ex.P13	Computer generated death certificate of Hemamalini Kalanitthi
Ex.P14	Computer generated death certificate of Dr.A.N.Kalanitthi
Ex.P15	Computer generated legal heirship certificate of Dr.A.N.Kalanitthi
Ex.P16	Computer generated legal heirship certificate of Hemamalini kalanitthi
Ex.P17	Photocopy of registration certificate for KHM Hospital



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<i>Exhibits</i>	<i>Documents</i>
Ex.P18	Copy of paper publication effected in one issue of tamil daily “Dina Kural” dated 17.11.2022

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