



O.P.No.632 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.632 of 2022

1.Vachala

2.S.Kalavathi

3.S.Kalaiselvi

... 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 in favour of the 2nd Petitioner with powers to collect the debts and to receive the interest as specified in the schedule annexed hereto.

For Petitioners : Mrs.C.Rajesh Muthu Revathy

ORDER

The petitioners seeks Succession Certificate in respect of Provident Fund amount held by Late S.Shanthi, who died intestate on 12.03.2021. The parents of the deceased S.Shanthi, namely Mr.Sampath and Mrs.Unnamalai @ Kamalammal died on 14.08.1985 and 10.06.2020 respectively. The petitioners who are the sisters of the deceased S.Shanthi, is the only legal heirs, as the deceased remained unmarried till her death.



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2. The 2nd petitioner has been examined as P.W.1. She has produced the death certificate of the deceased S.Shanthi, as Ex.P4, and the photocopy of the letter addressed to the Regional Provident Fund Commissioner, Chennai stating the terminal benefits of S.Shanthi to be paid and the online printout of EPF passbook for the financial year 2007-2008 to 2021-2022, as Exs.P7 and P8. The petitioners 1 and 3 have filed their consent affidavits expressing their no objection for grant of Succession Certificate in favour of the 2nd petitioner. The said consent affidavits have been marked as Exs.P15 and P16. A paper publication has been made and no objections have been received.

3. In view of the above evidence particularly Ex.P7, presupposes 2nd petitioner is a nominee of the deceased S.Shanthi. Also considering Exs.P15 and P16 the consent affidavits filed by the other petitioners, I have no hesitation in granting Succession Certificate as prayed for. In fine, the Original Petition is allowed granting Succession Certificate in favour of the 2nd petitioner, in respect of the Provident Fund amount mentioned in the schedule to the petition.

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Index :Yes/No

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Petitioner's witness:

P.W.1 – Mrs.S.Kalavathi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated First Information Report bearing FIR No.60 dated 13.03.2021 registered by the Sub Inspector of Police, Flower Bazaar Police Station, Chennai
Ex.P2	Form (46) with respect to the death of Shanthi dated 13.03.2021 issued by the Sub Inspector of Police, Flower Bazaar Police Station, Chennai
Ex.P3	Original burial ground report in respect of death of Shanthi
Ex.P4	Computer generated death certificate of Shanthi
Ex.P5	Photocopy of Aadhaar card of S.Shanthi
Ex.P6	Original burial ground report in respect of death of Unnamalai
Ex.P7	Photocopy of the letter dated 30.09.2021 sent by the Rashiklal & Brothers to the Regional Provident Fund Commissioner, Chennai stating the terminal benefits of S.Shanthi to be paid to me
Ex.P8	Online printout of EPF passbook for the financial year 2007-2008 to 2021-2022 pertaining to the dues of S.Shanthi
Ex.P9	My original affidavit dated 26.10.2021
Ex.P10	Photocopy of the Aadhaar card of the 1 st petitioner
Ex.P11	Photocopy of the Aadhaar card of the 2 nd petitioner
Ex.P12	Photocopy of the Aadhaar card of the 3 rd petitioner
Ex.P13	Copy of my letter dated 04.06.2022 addressed to the Commissioner, Employees' Provident Funds Organisation



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<i>Exhibits</i>	<i>Documents</i>
	asking to furnish details of entire provident fund and insurance amount pertaining to S.Shanthi
E.P14	Online printout of track consignment bearing No.RT305457538IN for the delivery of my letter
Ex.P15	Consent affidavit given by the 1 st petitioner
Ex.P16	Consent affidavit given by the 3 rd petitioner
Ex.P17	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 09.12.2022.

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