



O.P.No.363 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

O.P.No.363 of 2022

- 1.R.N.Meera
- 2.Nirmala
- 3.Janagi Rajeswari
- 4.PriyaRajeswari
- 5.R.K.Narayanasamy ... 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 : Mr.H.Rajasekar

ORDER

The petitioners seek Succession Certificate in respect of the debts held by R.V.Narayanasamy, who died intestate on 04.12.2010. The first petitioner is the daughter of the deceased R.V.Narayanasamy. The second petitioner is the daughter in-law and third to fifth petitioners are the grandchildren of the deceased R.V.Narayanasamy, who are also the legal heirs of the deceased son R.N.Kasthuri.



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2. The second petitioner has been examined as P.W.1. She has produced the death certificates of the deceased R.V.Narayanasamy and R.N.Kasthuri, as Exs.P1 and P3. The legal heirship certificates of the deceased R.V.Narayanasamy and R.N.Kasthuri, as Exs.P2 and P4. A perusal of Ex.P2 shows that the first petitioner and the deceased son R.N.Kasthuri are the only Class-I legal heirs of the deceased R.V.Narayanasamy, and perusal of Ex.P4 shows that the second to fifth petitioners are the only class-I legal heirs of the deceased R.N.Kasthuri. The first and third to fifth petitioners have filed their consent affidavits expressing their no objection for grant of Succession Certificate in favour of the second petitioner. The said consent affidavits have been marked as Exs.P8 to P11. A paper publication has been made and any objections have not been received.

3. In view of the above evidence, the Original Petition is allowed by granting Succession Certificate in favour of the second petitioner, since the other petitioners have signified their consent for the grant, in respect of the debts mentioned in the schedule to the petition.

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Index :Yes/No



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Speaking: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mrs.K.Nirmala

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.R.V.Narayanasamy
Ex.P2	Photocopy of the legal heirship certificate of Mr.R.V.Narayanasamy
Ex.P3	Computer generated death certificate of R.N.Kasthuri
Ex.P4	Computer generated legal heirship certificate of R.N.Kasthuri
Ex.P5	Original letter dated 12.08.2021 from the 5 th petitioner to the Branch Manager, State Bank of India, Anna Nagar Branch, Chennai
Ex.P6	Original letter dated 07.09.2021 issued by the State Bank of India, Anna Nagar Branch, Chennai in respect of settlement of PPF account of R.K.Narayanaswamy
Ex.P7	Original statement of account issued by the State Bank of India, Anna Nagar Branch, Chennai in respect of the account held by R.K.Narayanaswamy
EX.P8	Consent affidavit given by the 1 st petitioner
Ex.P9	Consent affidavit given by the 3 rd petitioner
Ex.P10	Consent affidavit given by the 4 th petitioner
Ex.P11	Consent affidavit given by the 5 th petitioner
Ex.P12	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.09.2022

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