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O.P.No.725 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.725 of 2022

Mrs.P.Pattu

... Petitioner

Mr.P.Navaneethakrishnan

... Advocate Commissioner

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 petitioner with powers to collect the debts and Securities together with accrued interest specified in the schedule hereto and to transfer the securities specified in the schedule hereto.

For Petitioner : Mrs.D.Veda

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned securities of the deceased Dr.S.V.S.Narasimhan.

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



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Dr.S.V.S.Narasimhan died intestate on 25.05.2022. The petitioner is the sister of the deceased. During the time of his death, the deceased left behind fixed deposits in various Banks and Mutual Funds. The deceased was a bachelor and there are no other next kin other than the petitioner. The parents of the deceased predeceased him. The petitioner is the only surviving legal heir of the deceased and hence she is entitled to obtain succession certificate of the assets of the deceased. The said assets in respect of which the Succession Certificate is required are of value for a sum of Rs.25,77,938/-. There are no other legal heirs of the deceased except the petitioner. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioner. Hence, this Original Petition has been filed.

3. Paper publication effected. There is no objector.

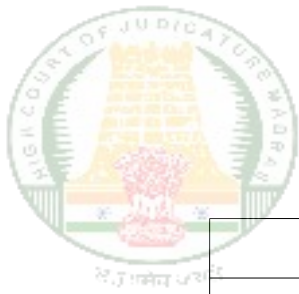
4. Due to her old age, the petitioner had filed an application in A.No.3038 of 2023 seeking to appoint an Advocate Commissioner to take evidence of the petitioner. The said application was allowed on 22.06.2023 and Mr.P.Navaneethakrishnan, Advocate, has been appointed as an Advocate Commissioner to record the evidence of the petitioner. The said



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Advocate Commissioner examined the petitioner and marked Ex.P1 to Ex.P10 were marked. The report dated 04.07.2023 is filed. The exhibits are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	copy of the death certificate of Dr.S.V.S.Narasimhan dated 25.05.2022.
Ex.P2	copy of the fixed deposit receipt No.570203030004123 Union Bank of India dated 27.08.2021.
Ex.P3	copy of fixed deposit receipt No.570203030003358 Union Bank of India dated 15.06.2018.
Ex.P4	copy of the fixed deposit receipt No.61683247060 Indian Bank dated 11.12.2013.
Ex.P5	copy of the 1st and last page of pass book of deceased in Indian Bank.
Ex.P6	copy of 1st and last page of pass book of the deceased in Bank of India.
Ex.P7	copy of 1st and last page of pass book of Head Post Office, Mylapore.
Ex.P8	copy of Letter of UTI showing the mutual funds dated 17.05.2021.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P9	copy of the letter from the Indian Bank asking for Succession Certificate dated 22.08.2022.
Ex.P10	copy of the passport of the petitioner.

5. Ex.P1 is the death certificate of Dr.S.V.S.Narasimhan who died on 25.05.2022. Since the deceased remained unmarried, the petitioner who is the class II legal heir, is entitled to inherit the securities mentioned in the schedule. Since the deceased died intestate, the petitioner has filed this Petition for grant of Succession Certificate.

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

7. Hence:

(a) this Original Petition is ordered and

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



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

8. When the matter was taken up for hearing today, the learned Advocate Commissioner sought additional remuneration of Rs.25,000/- for the completion of work assigned to him vide order dated 22.06.2023.

9. In view of the above, an additional remuneration of Rs.25,000/- is ordered to be paid by the petitioner to the Advocate Commissioner.

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Index :Yes/No
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