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O.P.No.700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.700 of 2022

1.R.Sivasakthi
2.R.Gautham
3.B.Shanthi ... 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 1st Petitioner herein with powers to the debts and to receive interest and transfer the debts as specified in the schedule annexed hereto.

For Petitioners : Mr.T.Gunasekar

ORDER

The petitioners seek Succession Certificate in respect of the debts held by B.K.Rajkumar, who died intestate on 11.11.2021. The first petitioner is the wife, second petitioner is the son and third petitioner is the mother of the deceased B.K.Rajkumar.



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2. The first petitioner has been examined as P.W.1. She has produced the death certificate of the deceased B.K.Rajkumar, as Ex.P1, and the legal heirship certificate of the deceased as Ex.P2. A perusal of Ex.P2 shows that the petitioners are the only legal heirs of the deceased. The second and third petitioners have filed their consent affidavits expressing their no objection for the grant of Succession Certificate in favour of the first petitioner. The said consent affidavits have been marked as Ex.P7 and P8. A paper publication has been made and any objections have not been received.

3. In view of the above said evidence, the Original Petition is allowed by granting Succession Certificate in favour of the 1st petitioner since the second and third petitioners have given their consent for the grant, in respect of the debts mentioned in the schedule to the petition.

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Index :Yes/No

Speaking order: Yes/ No

Neutral Citation: Yes/ No

Petitioner's witness:

P.W.1 – Mr.R.Sivasakthi



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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of B.K.Rajkumar
Ex.P2	Computer generated legal heirship certificate of B.K.Rajkumar
Ex.P3	Photocopy of the PPF passbook standing in the name of B.K.Rajkumar
Ex.P4	Photocopy of the letter dated 13.07.2022 sent by the 1 st petitioner to the Manager SBI, Tondiarpet Branch acknowledgment dated 13.07.2022
Ex.P5	Original reply dated 01.08.2022 sent by the Branch Manager, SBI, Tondiarpet Branch
Ex.P6	Downloaded copy of the Bank statement of B.K.Rajkumar
Ex.P7	Consent affidavit given by the 2 nd petitioner
Ex.P8	Consent affidavit given by the 3 rd petitioner
Ex.P9	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 17.12.2022

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