



O.P.No.494 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.494 of 2022

1.P.Mangalakshmi,
D/o.Late M.Radha & W/o.Late Perumal,
No.14, Kannappan Street,
Nelson Manickam Road,
Aminjikarai,
Chennai-600 029.

2.R.Thirumalai,
S/o.Late M.Radha,
No.14, Kannappan Street,
Nelson Manickam Road,
Aminjikarai,
Chennai-600 029.

3.R.Velayutham,
S/o.Late M.Radha,
No.14, Kannappan Street,
Nelson Manickam Road,
Aminjikarai,
Chennai-600 029.

.. Petitioners

PRAYER: Original Petition filed for Succession Certificate in respect of certain debts belonging to the deceased M.Radha under Part X of the Indian Succession Act 1925 Order XXV Rule 6 of the Madras High Court Original



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Side Rules, pleased to grant a Succession Certificate in favour of the 1st petitioner with power to collect the debts and to receive the interest and monthly family pension arrears specified in the schedule hereunder and to pass such further order or orders as this Hon'ble Court may think to fit in the circumstances of the case and thus render justice.

For Petitioner : Mr. M.Pitchairathinam

ORDER

The petitioners seek the grant of succession certificate in respect of the debts described in the schedule to the petition.

2. The petitioners state that they are the children of the late M.Radha, who ordinarily resided at the address specified in paragraph 1 of the petition, which is within the jurisdiction of this Court.

3. The petitioners further assert that the deceased died intestate and no Will was found in spite of a diligent search for the same. Their father died on 27.09.1997 and was survived by his wife, Smt.Dhanabagyam, and the petitioners herein. Subsequently, their mother (the wife of Mr.M.Radha) died on 07.11.2013.



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4. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination-in-chief of PW1, the 16 documents listed at the foot of this order were exhibited as Exs.P1 to P16. The death certificate of the deceased Mr.M.Radha (Ex.P2) discloses that he died on 27.09.1997. The legal heirship certificate (Ex.P3) in respect of Mr.M.Radha discloses the names of Smt.Dhanabagyam, Tmt.Mangalakshmi, Thirumalai and Velayutham as his legal heirs. The death certificate of Dhanabagyam (Ex.P6) discloses that she died on 07.11.2013. With regard to the debts described in the petition, Exs.P1 and P8 to P13 have been marked. The legal heirship certificate in respect of Dhanabagyam (Ex.P14) discloses the names of the petitioners as her legal heirs. The consent affidavits of the 2nd and 3rd petitioners are on record. Paper publication was effected (Ex.P16)

5. Based on the evidence adduced, the petitioners are entitled to the relief claimed. Accordingly, O.P.No.494 of 2022 is allowed by granting a succession certificate to the 1st petitioner in respect of the debts specified in



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the schedule to the petition. Consequently, the 1st petitioner is entitled to collect the debts, receive interest accruals thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioners' witness:

P.W.1 – Ms.P.Mangalakshmi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the Pension Payment Order bearing No.036879601176 standing in the name of M.Radha (Compared with the original).
Ex.P2	The original death certificate of M.Radha.
Ex.P3	The photocopy of the Legal Heirship Certificate of M.Radha (Compared with the original).
Ex.P4	The photocopy of the death certificate of Mr.Perumal (Compared with the original).
Ex.P5	The photocopy of the Legal Heirship Certificate of Mr.Perumal (Compared with the original).
Ex.P6	The computer generated death certificate of Dhanabagyam.
Ex.P7	The photocopy of my Aadhaar card (Comaprd with the



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<i>Exhibits</i>	<i>Documents</i>
	original)
Ex.P8	The original family pension claim dated 01.03.2019 addressed to me standing in the name of M.Radha.
Ex.P9	The original letter dated 17.09.2020 from the Joint Director (Food), Government of India, Department of Food, Southern Region, Chennai-6 in respect of family pension of M.Radha and asking for to obtain a succession certificate from competent court of law.
Ex.P10	The original letter dated 07.10.2020 addressed to me by the Joint Director (Food), Government of India, Department of Food, Southern Region, Chennai-6 standing the arrears of M.Radha.
Ex.P11	The web copy of the Order in W.P.No.33169 of 2016 dated 26.09.2016 passed by this Hon'ble High Court.
Ex.P12	My copy of letter dated 15.11.2016 addressed by me to the Regional Director (Food), Food Corporation of India, Chennai-6.
Ex.P13	The copy of the letter given by the Joint Director, Department of Food & Public Distribution asking me to obtain a succession certificate from competent court of law (Witness states that she received this letter only as original. This document is marked subject to its admissibility, proof and relevancy.)
Ex.P14	The photocopy of the Legal Heirship Certificate of Dhanabagiam (Original is not produced. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P15	The photocopy of the unemployed and non remarried certificate issued by the Tahsildar, Aminjikarai Taluk (Compared with the original).
Ex.P16	The copy of paper publication effected in one issue of Tamil



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<i>Exhibits</i>	<i>Documents</i>
	daily “Dina Kural” dated 18.10.2022.

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SENTHILKUMAR RAMAMOORTHY,J

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