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O.P.No. 94 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No. 94 of 2023

1.Florence Kanakaraj
2.Sylvia Shanthi Augustus
3.Nancy K.Timothy
4.Susy Vanitha Kingsley ... Petitioners

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, prays that a Succession Certificate may be granted to the first petitioner – Mrs.Florence Kanakaraj with power to collect the debts and to receive the interest thereof specified in the schedule.

For Petitioners : M/S.K.A.Ravindran

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate by the petitioners in respect of schedule mentioned securities of the deceased J.Kanakaraj.

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

The fixed deposit shown in the schedule of the petition has been made by one late J.Kanakaraj, who is the husband of the 1st petitioner and father of the petitioners 2 to 4. The said late J.Kanakaraj died intestate on



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08.02.2022 and leaving behind the petitioners as his only legal heirs. Since

J.Kanakaraj died intestate the petitioners who are his legal heirs are entitled to inherit the fixed deposit in the following proposition i.e. 3/9 th share for the 1st petitioner and 2/9th share each in the remaining 6/9th share of the schedule mentioned properties as per the Indian Succession Act-1925.

3. News paper publication effected. No objectors.

4. The 1st petitioner was examined as PW.1 and through him Ex.P1 to Ex.P12 were marked and they are listed hereunder:-

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Fixed Deposit Receipt No.3513856850 dated 25.05.2021
Ex.P2	Photocopy of the Fixed Deposit Receipt No.3545992816 dated 30.05.2021
Ex.P3	Photocopy of the Fixed Deposit receipt No.3513764926 dated 15.11.2021
Ex.P4	Photocopy of the Fixed Deposit receipt No.3546791371 dated 29.11.2021
Ex.P5	Photocopy of the Fixed Deposit receipt No.3513793261 dated 30.11.2021
Ex.P6	Computer generated copy of the Death Certificate of Late J.Kanakaraj dated 14.02.2022
Ex.P7	Computer generated copy of the legal heirship Certificate of Late J.Kanakaraj dated 05.03.2022
Ex.P8	Photocopy of the letter from M/s.Kotak Mahindra Bank dated 21.06.2022
Ex.P9	Consent affidavit of 2 nd petitioner Sylvia Shanthi Augustus
Ex.P10	Consent affidavit of 3 rd petitioner Nancy K.Timothy
Ex.P11	Consent affidavit of 4 th petitioner Susy Vanitha Kingsley
Ex.P12	Paper publication of Tamil Newspaper “Makkal Kural”



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5. The consent affidavit given by the petitioners 2 to 4 are marked as Ex.P9 to 11; the death certificate of the late J.Kanakaraj is marked as Ex.P6 and the legal heir certificate is marked as Ex.P7, it is seen that the petitioners are the only legal heirs of the deceased J.Kanakaraj.

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

7. Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the first 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, on payment of appropriate succession duty, if not paid already.

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Index :Yes/No



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