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O.P.No.92 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.92 of 2023

1.M.Naganathan
2.M.Ramanathan
3.M.Selvanathan
4.M.Amaranathan

... 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 to the first petitioner with the powers to collect the Debts and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : Mr.H.Manojin

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the first petitioner in respect of schedule mentioned debts of the deceased M.Jagannathan.



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

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The petition mentioned assets were originally owned by one M.Jagannathan who is the brother of the petitioners herein. The said M.Jagannathan remained unmarried and died on 15.04.2022. The parents of the deceased predeceased him. At the time when M.Jagannathan died, the petitioners alone were the surviving legal heirs of the deceased in their capacity as class – II legal heirs. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the first petitioner. Since Succession Certificate is required for the purpose of claiming the petition mentioned debts belonging to the deceased M.Jagannathan, the petitioners have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The first petitioner examined himself as P.W.1 and Ex.P1 to Ex.P15 were marked.



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5. Ex.P1 is the death certificate of M.Jagannathan who died on 15.04.2022. Since the deceased died intestate, the petitioners who are the only surviving legal heirs, have got the right to inherit the debts mentioned in the schedule. Therefore, the petitioners have filed this Petition for grant of Succession Certificate.

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

7. Hence:

(a) this Original 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 debts specified in the schedule to the Petition on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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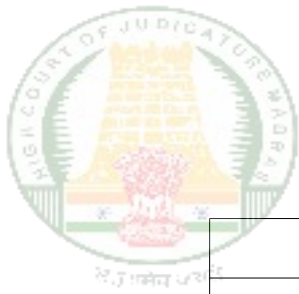
APPENDIX

Petitioners' Witness:

P.W.1 – Mr.M.Naganathan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of the petitioners' brother M.Jagannathan who died on 15.04.2022.
Ex.P2	The computer generated death certificate of the petitioners' brother M.Swaminathan who died on 07.03.2007.
Ex.P3	The computer generated death certificate of the petitioners' sister M.Viruthambal who died on 04.07.2019.
Ex.P4	The photocopy of the first petitioner's Aadhaar Card.
Ex.P5	The photocopy of the Aadhaar Card of the 2 nd petitioner, M.Ramanathan.
Ex.P6	The photocopy of the Aadhaar card of the 3 rd petitioner, M.Selvanathan.
Ex.P7	The photocopy of the Aadhaar card of the 4 th petitioner, M.Amaranathan.
Ex.P8	The photocopy of the bank pass book in the name of M.Jagannathan in TMB Bank.
Ex.P9	The photocopy of the receipt of fixed deposit in TMB Bank.
Ex.P10	The photocopy of the bank pass book in the name of M.Jagannathan in IOB Bank.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P11	The photocopy of the bank pass book in the name of M.Jagannathan in SBI Bank.
Ex.P12	The office copy of the requisition of medical reimbursement written by deceased M.Jagannathan dated 26.10.2021.
Ex.P13	The office copy of the requisition of medical reimbursement written by Vijaynathan Naganathan dated 29.04.2022.
Ex.P14	The photocopy of the membership certificates for benevolent fund in TNEB.
Ex.P15	The paper publication effected in one issue of “Makkal Kural” dated 15.07.2023.

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