



O.P.No.151 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.151 of 2023

1.Mrs.Savitri Krishnan
2.Mr.Eswar Muthukrishnan
3.Mr.Ramesh Krishnan

... 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 second petitioner with the powers to collect the debt and to receive interest as specified in the schedule.

For Petitioners : Ms.Rukmani for

Mr.P.B.Ramanujam

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the second petitioner with the powers to collect the debt and to receive interest as specified in the schedule.



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

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The petition mentioned bank balance stood in the name of Muthukrishnan. The said Muthukrishnan died on 09.09.2019 by leaving behind the petitioners as his only legal heirs. The parents of the deceased predeceased him. The first petitioner is the wife and the second and third petitioners are his sons. Since Muthukrishnan died intestate, the petitioners have filed this petition seeking issuance of Succession Certificate. There are no other legal heirs of the deceased except the petitioners herein. The first and third petitioners have given their consents for granting Succession Certificate in favour of the second petitioner. Therefore, there is no impediment in granting Succession Certificate in favour of the second petitioner. Hence, for the purpose of availing the bank deposit in the name of the deceased to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The second petitioner examined himself as PW.1 and Ex.P1 to Ex.P6 were marked.



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5. Ex.P1 is the death certificate of Muthukrishnan who died on 09.09.2019 and the legal heir certificate of the deceased is marked as Ex.P2.

Ex.P2 shows that the petitioners alone are the only legal heirs of the deceased. Ex.P3 and P4 are the consent affidavits given by the 1st and 3rd petitioners. Ex.P5 is the paper publication effected in one issue of "Makkal Kural" dated 10.06.2023. Since the deceased died intestate, 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.

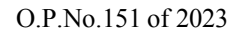
7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the second petitioner, with power to collect the debts with interest as specified in the schedule on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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Petitioners' side Witness:

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the computer generated death certificate of the Mr.Muthukrishnan who died on 09.09.2019.
Ex.P2	the computer generated legal heirship certificate of Mr.Muthukrishnan dated 28.09.2019.
Ex.P3	the consent affidavit of the 1st petitioner.
Ex.P4	the consent affidavit of the 3rd petitioner.
Ex.P5	the paper publication in one issue of Makkal Kural dated 10.06.2023.
Ex.P6	the letter issued by the State Bank of India, West Mambalam Branch to the 2nd petitioner dated 12.06.2022.

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