



WEB COPY



O.P.No.250 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.250 of 2022

S.Narayanamoorthy,
S/o.Subramaniam,
H-22, HIG Flats, South Avenue,
Thiruvanmiyur, Chennai-600 041.

... Petitioner

VS

Bhuvaneswari
D/o.Mr.S.Narayanamoorthy,
H-22, HIG Flats, South Avenue,
Thiruvanmiyur, Chennai-600 041.

... Respondent

PRAYER: Original Petition filed for Succession Certificate in respect of certain debts and securities belonging to Mr.Subramanian under Section 372 of Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules.

For Petitioner : Mr.V.R.Appaswamee

For Respondent : Mr.k.Thirumavalavan

ORDER

The petitioner seeks a succession certificate in respect of the debts and securities in schedule I and II, respectively, of the petition.



O.P.No.250 of 2022

WEB COPY

2. The petitioner asserts that his son N.Subramanian ordinarily resided at Thiruvannamipur, Chennai, which is within the jurisdiction of this Court. The petitioner's son died unmarried on 29.07.2021. The petitioner asserts that the mother of the deceased, Mrs.Vijaya, pre-deceased him. It is further asserted that the deceased died intestate and that no Will was found in spite of diligent search for the same. The sister of the deceased is arrayed as the sole respondent.

3. In order to prove entitlement to the succession certificate, the petitioner adduced evidence by examining himself as PW1. In course of the examination-in-chief of PW1, the 13 documents listed at the foot of this order were exhibited as Exs.P1 to P13. The death certificate of the late N.Subramanian (Ex.P3) discloses that he died on 29.07.2021. It also discloses the address of the deceased, which is within the jurisdiction of this Court. The death certificate of the mother of the deceased (Ex.P2) discloses that she died on 12.11.2010. The said death certificate also discloses the name of the petitioner as the husband of the mother of the deceased. The legal heirship certificate in respect of the late N.Subramanian (Ex.P4) discloses the name of the petitioner as the father of the deceased. It also



O.P.No.250 of 2022

discloses that the mother of the deceased pre-deceased him. As evidence of the title of the deceased to the assets described in the schedule, Exs.P9 to P12 have been placed on record. Paper publication was effected (Ex.P13). The sole respondent was examined as RW1. In her proof affidavit, she stated that she has no objection to the issuance of a succession certificate.

4. Based on the assertions in the petition and evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.250 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the debts and securities described in the schedules to the petition. Consequently, the petitioner shall be entitled to collect the debts and securities, receive interest or dividends thereon, and negotiate and transfer the same.

19.01.2023

kal

Index : Yes / No

Petitioners' witness:

P.W.1 - Mr.S.Narayanamoorthy

P.W.2 – Ms.Bhuvaneswari



O.P.No.250 of 2022

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the Aadhaar card of Mr.N.Subramanian (Compared with the original)
Ex.P2	The computer generated death certificate of R.Vijaya.
Ex.P3	The computer generated death certificate of Mr.N.Subramanian.
Ex.P4	The computer generated Legal Heirship Certificate of Mr.N.Subramanian.
Ex.P5	The photocopy of the petitioner's PAN card (Compared with the original).
Ex.P6	The photocopy of the petitioner's family card (Compared with the original).
Ex.P7	The photocopy of the petitioner's Aadhaar card (Compared with the original).
Ex.P8	The photocopy of the Aadhaar card of the respondent (Compared with the original).
Ex.P9	The e-mail communication sent by HDFC Bank Limited for submission of succession certificate.
Ex.P10	The original holding statement of Mr.N.Subramanian issued by the Geojit Financial Services Limited dated 30.11.2021.
Ex.P11	The photocopy of the PPF passbook in postal savings bank of Mylapore Post Office in respect of Mr.N.Subramanian (Compared with the original).
Ex.P12	The e-mail communication sent by E*Trade for submission of succession certificate.
Ex.P13	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 25.11.2022.

Kal

19.01.2023



WEB COPY



O.P.No.250 of 2022

SENTHILKUMAR RAMAMOORTHY,J

kal

O.P.No.250 of 2022

19.01.2023