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O.P.No.150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.150 of 2023

P.Balaji

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Petitioner

Original Petition filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to issue succession certificate to the petitioner with power to collect debts and to receive the interest as specified in the Schedule hereto.

For Petitioner : Mr.V.Manisekaran

ORDER

This petition is filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the petitioner with power to collect the debts and to receive the interest as specified in the Schedule hereto.



O.P.No.150 of 2023

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

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The petition mentioned assets belonged to one V.Usha Rani who died intestate on 11.12.2021 leaving behind her brother P.Balaji who is the petitioner herein, as her only legal heir. The said V.Usha Rani's husband predeceased her on 29.11.2016. The couple had no issues. The father and mother of the said V.Usha Rani also predeceased her on 05.10.1995 and 27.10.1996 respectively. Hence, the petitioner, as the Class -II legal heir of the deceased V.Usha Rani, had filed this petition for grant of succession certificate.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P12.

4. Ex.P5 is the death certificate of V.Usha Rani and Ex.P4 is the death certificate of husband of V.Usha Rani. Ex.P1 and Ex.P2 are the death certificates of father and mother of V.Usha Rani. The legal heirship certificate of V.Usha Rani's mother which is marked as Ex.P3 would show that the petitioner is the brother of the deceased V.Usha Rani. Ex.P6 and Ex.P7 are the term deposit receipts of deceased V.Usha Rani and Ex.P8 is the Savings Bank Pass Book of V.Usha Rani.



O.P.No.150 of 2023

WEB COPY 5. Paper publication effected in one issue of Tamil daily “Makkal Kural” dated 28.04.2023 did not attract any objectors.

6. Since the deceased died intestate leaving behind the petitioner as his only legal heir, he is entitled to inherit the petition mentioned asset. The above documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate as prayed.

7. Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioner in respect of the asset mentioned in the Schedule, with power to collect the debts and to receive the interest as specified in the Schedule, on payment of appropriate succession duty, if it not paid already.

01.08.2023

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O.P.No.150 of 2023

Examined Witness:

P.W.1 – P.Balaji

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of Perumal Samy
P2	Computer generated death certificate of P.Mohana
P3	Photocopy of legal heirship certificate of Mohana
P4	Computer generated death certificate of Viswanathan.S
P5	Computer generated death certificate of V.Usha Rani
P6	Original term deposit receipt bearing account No.38949219047 held by Usha Rani.V in State Bank of India, Park Town Branch, Chennai – 3.
P7	Original term deposit receipt bearing account No.38949218395 held by Usha Rani.V in State Bank of India, Park Town Branch, Chennai – 3.
P8	Original Savings Pass Book bearing Account No.20345395087 held by Usha Rani. V in State Bank of India, Park Town Branch, Chennai – 3.
P9	Photocopy of the family card of V.Usha Rani
P10	Photocopy of the Aadhaar Card of Usha Rani
P11	Photocopy of petitioner's Aadhar card
P12	Copy of paper publication effected in Tamil daily “Makkal Kural” dated 28.04.2023.

01.08.2023

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O.P.No.150 of 2023

R.N.MANJULA, J.

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O.P.No. 150 of 2023

01.08.2023