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O.P.No.137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.137 of 2023

1.B.Nagamani

2.R.Vidhya

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Petitioners

PRAYER: Original Petition filed under Section 372 of 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 1st petitioner herein Viz., B.Nagamani with power to collect the debits and to receive the interest and dividends on and negotiate and transfer the securities as specified in the schedule hereto.

For Petitioners : M/S.R.Muthu Ramananand

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the 1st petitioner in respect of schedule mentioned securities of the deceased N.Krishnan

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

The securities set out in the schedule of the petition belong to one N.Krishnan and he died on 10.07.2021. The 1st petitioner is the elder sister of the deceased late Mr. N. Krishnan and the 2nd petitioner is the younger



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sister of the deceased. Since Mr. N. Krishnan died intestate leaving behind the petitioners as his legal heirs, the petitioners have filed this petition to get the Succession Certificate in respect of securities mentioned in the petition.

3. News paper publication effected. No objectors.

4. The 1st petitioner examined herself as PW.1 and Ex.P1 to Ex.P14 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of Mrs.N.Lakshmi (compared with the original)
Ex.P2	The photocopy of the Life Insurance Policy bearing No.712998098 held by late. N.Krishnan (compared with the original)
Ex.P3	The photocopy of the Life Insurance Policy bearing No.704860124 held by Late N.Krishnan (compared with the original)
Ex.P4	The photocopy of the Life Insurance Policy bearing No.705438308 held by Late N.Krishnan (compared with the original)
Ex.P5	The computer generated death certificate of Mr.S.Narasimhan.
Ex.P6	The computer generated death certificate of Mr. N.Krishnan
Ex.P7	The photocopy of the relationship certificate dated 04.02.2022 of Mr.N.Krishnan issued by Tahsildar Alandur Taluk (compared with the original)
Ex.P8	The original account statement given by standard Chartered Bank Nungambakkam Branch in respect of bank account held by N.Krishnan bearing account No.42610534501.



<i>Exhibits</i>	<i>Documents</i>
Ex.P9	The photocopy of the Aadhar Card of Mr.N.Krishnan (compared with the original)
Ex.P10	The photocopy of the Aadhar card of Mr.S.Naraimhan (compared with original)
Ex.P11	The photocopy of the petitioner's Aadhar Card (compared with the original)
Ex.P12	The photocopy of the Aadhar care of the 2 nd petitioner (compared with the original)
Ex.P13	The copy of the paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 28.04.2023.
Ex.P14	The consent affidavit given by the 2 nd petitioner.

5. Ex.P6 is the death certificate of Mr. N. Krishnan who died on 10.7.2021 and relationship certificate of the deceased is marked as Ex.P7 and that would show that the petitioners alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioners who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. Since the deceased died intestate the petitioners have filed this petition for grant of Succession Certificate to the 1st petitioner.

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



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second petitioner has given a consent affidavit Ex.P4 to grant succession certificate in the name of the first petitioner.

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the 1st 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 it not paid already.

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Index :Yes/No

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