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O.P.No.120 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.120 of 2023

Mrs.Vidhya Narasimhan

... Petitioner

Vs.

1.Mrs.R.Revathi
2.Mrs.Vaidehi Ramanujam
3.Mrs.Latha R
4.Mrs.Sripriya Sadagopan
5.Mr.Aswath Athreya
6.Ms.Ananyaa Narasimhan

... Respondents

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 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 Petitioner : M/s.Shivakumar & Suresh
For Respondents : Ms.G.S.Deepa

ORDER

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



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

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The petition mentioned movable assets were originally belonged to one Rukmani who died on 21.12.2019. The petitioner is the daughter-in-law of the deceased. The respondents 1 to 4 are the daughters of the deceased. The respondents 5 & 6 are the grandchildren of the deceased. The son of the deceased predeceased her on 28.03.2017. The husband of the deceased also died on 14.04.2021. There are no other legal heirs of the deceased except the petitioner and the respondents herein. The respondents also filed their consent affidavits for granting Succession Certificate in favour of the petitioner. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioner. Since Succession Certificate is required to transmit the debts owned by the deceased, to the name of the petitioner, she has come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

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



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5. Ex.P2 is the death certificate of Mr.R.Narasimhan who died on 28.03.2017. Ex.P4 is the death certificate of Rukmani who died on 21.12.2019 and the legal heir certificate of the deceased Rukmani is marked as Ex.P5. Ex.P5 shows that the petitioner and the respondents are the legal heirs of the deceased Rukmani. Ex.P8 to Ex.P13 are the consent affidavits filed by the respondents. Since the deceased died intestate, the petitioner who is one of the surviving legal heirs, has got the right to inherit the debts mentioned in the schedule. Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

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

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts and securities with interest and dividends on and negotiate and transfer the securities and debts specified in



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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

Petitioner's Witness:

P.W.1 – Mrs.Vidhya Narasimhan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the statement of accounts bearing A/c.No.35588795054 issued by State Bank of India in respect of the account held by Mrs.R.Rukmani along with the photocopy of the SBI Bank passbook in respect of the aforesaid account.
Ex.P2	The computer generated death certificate of Mr.R.Narasimhan.
Ex.P3	The photocopy of the legal heirship certificate of Mr.R.Narasimhan.
Ex.P4	The computer generated death certificate of Mrs.R.Rukamani.
Ex.P5	The computer generated legal heir certificate of Mrs.R.Rukamani.
Ex.P6	The computer generated death certificate of Mr.S.Rangan.
Ex.P7	The computer generated legal heir certificate of Mr.S.Rangan.
Ex.P8	The consent affidavit filed by the first respondent.
Ex.P9	The consent affidavit filed by the second respondent.
Ex.P10	The consent affidavit filed by the third respondent.
Ex.P11	The consent affidavit filed by the fourth respondent.
Ex.P12	The consent affidavit filed by the fifth respondent.
Ex.P13	The consent affidavit filed by the sixth respondent.
Ex.P14	The affidavit of valuation of assets showing the net value of estate as Rs.8,63,898/-.
Ex.P15	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 23.07.2023.

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