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O.P.No.194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.194 of 2023

1.Seniyammal
2.G.Murugan
3.M.Rani
4.Kanniyammal

... 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 petitioners with power to collect the debts and to receive interest and dividends on and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.J.Karunanithi

ORDER

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



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

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The petition mentioned asset is the retirement benefit of one late Sulochana who died on 31.05.2017. The petitioners are the brother and the sisters of late Sulochana. The said Sulochana was working in Chennai Metropolitan Water Supply and Sewerage Board and the petition mentioned asset is her retirement benefits. Despite Sulochana got married to one J.Mani, they did not have any children and the husband of Sulochana also predeceased her on 25.02.1990. The parents of Sulochana also predeceased her. The petitioners are the class - II legal heirs of Sulochana. Since the petitioners are entitled to inherit the petition mentioned asset equally among themselves subsequent to the death of Sulochana, they are seeking Succession Certificate for the purpose of obtaining retirement benefits from the office of Chennai Metropolitan Water Supply and Sewerage Board. Therefore, the petitioners have filed this petition seeking issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The third petitioner examined herself as PW.1 and Ex.P1 to Ex.P10 were marked through her.



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5. Ex.P1 and Ex.P3 are the death certificates of Sulochana and J.Mani. Ex.P10 is the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 02.07.2023. The petitioners who are the Class - II legal heirs of the deceased, have got the right to inherit the debts mentioned in the schedule. Therefore, 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 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 in equal proportion 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.M.Rani

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Sulochana.
Ex.P2	The original salary receipt dated 30.05.2008 in respect of Sulochana.
Ex.P3	the computer generated death certificate of Mr.J.Mani.
Ex.P4	the photocopy of the letter dated 23.09.2019 addressed to the third petitioner by the Tahsildar.
Ex.P5	the photocopy of the representation dated 23.07.2009 given by the petitioners to CMWSSB.
Ex.P6	the photocopy of the Aadhaar Card of the first petitioner.
Ex.P7	the photocopy of the Aadhaar Card of the second petitioner.
Ex.P8	the photocopy of the third petitioner's Aadhaar Card.
Ex.P9	the photocopy of the Aadhaar Card of the fourth petitioner.
Ex.P10	the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 02.07.2023.

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