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O.P.No. 63 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 63 of 2023

N.V.Sulochana

...

Petitioner

Vs

1.N.V.Jaganathan

2.N.V.Sridhar

3.N.V.Muralidharan

4.N.V.Geetha

5.K.Jayabai

6.Vijay Namakkal Srinivasan

7.N.S.Arun

...

Respondents

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioner N.V.Sulochana with power to collect the debts and to receive the interest specified in the schedule hereto.

For Petitioner

: M/s.P.K.Vasuki

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate to the petitioner in respect



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of the bank balance maintained by one L.Vimala with Canara bank, West Mambalam Branch saving bank account No.2616101008322.

2. The deceased L.Vimala is the sister of the mother of the petitioner and the respondents. The said Vimala died intestate and she remained unmarried during her life time and the parent of the deceased Vimala also predeceased her. The respondents are the other siblings of the petitioner. The Deceased Vimala had only one sister and she also died and as such the deceased has no other legal heir except the petitioner and the respondents who are her second class legal heirs.

3. The petitioner is examined herself as PW.1 and the following documents were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Ms.L.Vimala
Ex.P2	The online print out of statement of account given by Canara Bank, West Mambalam Branch standing in the name of Ms.Vimala L bearing account No.2616101008322
Ex.P3	The photocopy of the Family Card of Mr.M.V.Srinivasan (compared with the original)
Ex.P4	The photocopy of PAN Card of Ms.Vimala (compared with the original)
Ex.P5	The Photocopy of the Aadhar Card of Ms.L.Vimala (compared with the original)



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	The photocopy of pension book bearing No.T 70615 standing in the name of Ms.L.Vimala (compared with the original)
Ex.P7	The photocopy of the Aadhar Card of Ms.N.V.Sulochana (compared with the original)
Ex.P8	The consent affidavit given by the 1 st respondent
Ex.P9	The consent affidavit given by the 2 nd respondent
Ex.P10	The consent affidavit given by the 3 rd respondent
Ex.P11	The consent affidavit given by the 4 th respondent
Ex.P12	The consent affidavit given by the 5 th respondent
Ex.P13	The consent affidavit given by the 6 th respondent
Ex.P14	The consent affidavit given by the 7 th respondent.
Ex.P15	The copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 08.06.2023.

4. Ex.P2 would show that the deceased had maintained a bank account with Canara Bank, West Mambalam Branch, bearing account No.2616101008322. The death certificate of the Vimala has been produced as Ex.P1 and that would show that she died on 15.08.2022. The paper publication effected in one issue of Tamil daily 'Makkal Kural' dated



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08.06.2023 did not attract any objectors.

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5. The respondents 1 to 7 have given their consent affidavits in favour of the petitioner to issue the succession certificate and they have been marked as Ex.P8 to P14. Since the said L.Vimala died intestate, the petitioner and the respondents are her only second class legal heirs are entitled to inherit the securities themselves equally. In view of the consent given by the respondents 1 to 7 in favour of the petitioner the prayer of the petitioner for granting of Succession Certificate should be allowed.

6. Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioner with a power to collect the debts with interest and dividends on and negotiate and transfer the securities (shares) 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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R.N.MANJULA, J.

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