



O.P.No.734 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.02.2023**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.734 of 2021

K.Srinivasan

... Petitioner

VS.

- 1.Tmt.C.Alamelu
- 2.Gandhi Kannadasan
- 3.Dr.Kamalanathan Kannadasan
- 4.K.Subramaniam @ Kanmani Subbu
- 5.Annadurai Kannadasan
- 6.Tmt.S.Thenmozhi
- 7.Tmt.Revathi Shanmugam
- 8.Tmt.P.Visalatchi
- 9.Dr.K.Ramasamy
- 10.Tmt.Kalaiselvi
- 11.K.Gopi
- 12.K.Venkatachalam
- 13.Tmt.K.Amirtha Gowri
- 14.K.Kannadasan
- 15.K.Sathyalakshmi
- 16.K.Sharankumar

... Respondents



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PRAYER: Original Petition filed 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 by this Court to the petitioner herein, with the power to collect the debts and to receive interest as given in the schedule.

For Petitioner : Ms.Usha Tholgappian
for M/s.K.Chokalingam

For Respondents : Ms.G.Keerthana

ORDER

The petitioner seeks the grant of a succession certificate in relation to the debt described in the schedule to the petition.

2. The petitioner asserts that he is the son of the late Muthaiah @ Kavingar Kannadasan, who died at Chicago, USA, on 17.10.1981. It is further asserted that he was survived by his wives, Ponnammal and Parvathy, nine sons, and five daughters. Out of the nine sons, it is stated



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that one son, namely, Kalaivanan Kannadasan, died on 24.09.1994 and that the 13th to 16th respondents are his legal heirs. The petitioner further asserts that the deceased ordinarily resided within the jurisdiction of this Court and that he died intestate.

3. The succession certificate is prayed for in respect of accumulated royalty from the Indian Performing Rights Society Ltd., Mumbai. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 24 documents listed at the foot of this order were exhibited as Exs.P1 to P24. The death certificate of the deceased (Ex.P1) discloses that he died on 17.10.1981. The death certificate (Ex.P2) of one of the wives of the deceased, Parvathy Kannadasan, discloses that she died on 24.03.1990. The legal heirship certificate in respect of K.Ponnammal (Ex.P4), discloses the names of Tmt.C.Alamelu, K.N.Subramaniam, Tmt.S.Thenmozhi, Tmt.P.L.Visalatchi, Dr.K.Ramasamy and Thiru. Venkatachalam as her legal heirs. The said document also discloses that her husband pre-deceased her and that she died on 30.05.2012. The legal heirship certificate in respect of



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Parvathy(Ex.P6) discloses the names of Gandhi Kannadhasan, Kamal Kannadhasan, Annadorai Kannadhasan @ Sathappan, Tmt.Revathi Shanmugam, Srinivasan Kannadhasan, Tmt.Kalai Selvi Chokkalingam and Gopi Kannadhasan as her legal heirs. All these persons have been joined as respondents. The petitioner has placed on record the original memorandum of family arrangement dated 05.02.2014(Ex.P7). The manner in which the accumulated proceeds lying with the Indian Performing Rights Society Limited, Mumbai would be distributed is specified therein.

4. Both learned counsel for the petitioner and the respondents state that the distribution would be done in accordance with Ex.P7. All the respondents have provided consent affidavits (Exs.P8 to P23). Paper publication was effected (Ex.P24).

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Consequently, O.P.No.734 of 2021 is allowed by granting a succession certificate to the petitioner in respect of the debts described in the schedule to the petition.



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As a result, the petitioner is entitled to collect the debts, including interest accruals thereon.

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.K.Srinivasan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the death certificate of Kavignar Kannadasan.
Ex.P2	Computer generated death certificate of Parvathy Kannadasan.
Ex.P3	Photo copy of family card
Ex.P4	Original Legal Heirship certificate of K.Ponnammal
Ex.P5	Computer generated death certificate of Ponnammal
Ex.P6	Original legal Heirship certificate of Parvathy
Ex.P7	Original memorandum of family arrangement
Ex.P8	Consent affidavit given by the 1st respondent
Ex.P9	Consent affidavit given by the 2nd respondent
Ex.P10	Consent affidavit given by the 3rd respondent
Ex.P11	Consent affidavit given by the 4th respondent
Ex.P12	Consent affidavit given by the 5th respondent
Ex.P13	Consent affidavit given by the 6th respondent



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<i>Exhibits</i>	<i>Documents</i>
Ex.P14	Consent affidavit given by the 7th respondent
Ex.P15	Consent affidavit given by the 8th respondent
Ex.P16	Consent affidavit given by the 9th respondent
Ex.P17	Consent affidavit given by the 10 th respondent
Ex.P18	Consent affidavit given by the 11 th respondent
Ex.P19	Consent affidavit given by the 12 th respondent
Ex.P20	Consent affidavit given by the 13 th respondent
Ex.P21	Consent affidavit given by the 14 th respondent
Ex.P22	Consent affidavit given by the 15 th respondent
Ex.P23	Consent affidavit given by the 16 th respondent
Ex.P24	Copy of paper publication effected in one issue of Tamil daily "Dina Kural" dated 19.10.2022

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