



O.P.No.582 of 2023

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N.SATHISH KUMAR, J.

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that he is the sister of the deceased J.Ganapathi. The respondent is the yet another brother of the petitioner and the deceased J.Ganapathi. The brother of the petitioner J.Ganapathi died on 05.09.2022. The deceased J.Ganapathi and his wife Umamaheswari have no issues. The parents of the deceased and wife of the deceased predeceased him. The petitioner and the respondent are the class II legal heirs of the deceased J.Ganapathi. The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of



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the debts mentioned in the schedule. There is no other person to be impleaded in this petition. The respondent has given consent for issuance of succession certificate in favour of the petitioner. The succession certificate of the deceased required to collect the terminal benefits of the deceased from the Southern Railway. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The debts in respect of which succession certificate is required for the value of Rs.40,00,000/-. Hence, the petitioner has approached this Court for grant of succession certificate in favour of the petitioner with power to collect the debts and securities as specified in the schedule.

4. The petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.9.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Succession Certificate in his favour. Ex.P.1 is the computer generated of the death certificate of the deceased J.Ganapathi. Ex.P.1 has been filed to show



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that the deceased J.Ganapathi died on 05.09.2022. Ex.P.2 is the computer generated death certificate of the wife of the deceased Umamaheswari. Ex.P.2 shows that wife of the deceased predeceased him on 15.12.2009. Ex.P.3 and Ex.P.4 are copy of the death certificates of the parents of the deceased viz., J.Janikiraman and J.Rani Bail. Ex.P.3 and Ex.P.4 have been filed to show that the parents of the deceased predeceased. Ex.P.3 shows that the father of the deceased Janikiraman died on 08.08.1992 and Ex.P.4 shows that the mother of the deceased Ranibai died on 04.08.2018. Ex.P.5 and Ex.P.6 are the copy of legal heir certificates of the parents of the petitioner. The same indicate that the petitioner, respondent and the deceased are the surviving legal heirs of their parents. Ex.P.7 and Ex.P.8 are the letters sent by the Southern Railway with regard to dues of the deceased J.Ganapathi. Ex.P.9 is the Paper publication and none objected for the same.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioner has succeeded the debts and securities of the deceased J.Ganapathi. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in



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favour of the petitioner with power to collect and to receive deposit specified in the schedule together with interest as applicable till the date of withdrawal, is issued.

21.03.2024

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