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O.P.No.123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 123 of 2023

1.R.Malliga
2.R.Ramesh
3.R.Mahesh
4.R.Rajesh

... Petitioners

Vs.

1.D.Kalavathi
2.Suresh Chandran
3.Radhika
4.The Chief General Manager,
M/s.Bharat Sanchar Nigam Limited,
No.78, Purasaiwalkam High Road,
Chennai 600 010.
5.Principal Controller of Communication,
Accounts Department of Telecommunication,
Tamilnadu LSA,
TNT Complex, No.60 Ethiraja Salai,
Egmore, Chennai 600 008.

... Respondents

PRAYER: Original Petition filed under Section 372 and Part X of the Indian Succession Act, XXXIX of 1925 read with Order XXV Rule VI of Original Side Rules to issue succession certificate to the 1st petitioner with power to collect the debts and to receive the interest and terminal and statutory benefits, if any specified in the schedule hereto.



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For Petitioners : Mr.S.Raja Ravi Varma

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925, seeking succession certificate to be issued to the 1st petitioner relating to the debts in the name of P.Ravichandran, who died intestate on 19.04.2011.

2. The 1st petitioner is the wife and 2nd, 3rd and 4th petitioners are the 3 sons of P.Ravichandran. There are also 3 respondents who are named and the 1st respondent also claims to have a relationship with the said P.Ravichandran and that the 2nd and 3rd respondents are her son and daughter.

3. The learned counsel for the petitioners stated that the said 3 respondents had filed O.S.No.170 of 2011 before the V Additional Family Court at Chennai, seeking a declaration that the 1st respondent is the legally wedded wife of P.Ravichandran and the 2nd and 3rd



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respondents are the surviving legal heirs. That suit had been dismissed for default on 26.03.2018. It is stated by the learned counsel for the petitioners that the suit has not been restored so far.

4. Learned counsel for the 4th respondent/M/s.Bharat Sanchar Nigam Limited stated that in their records, the petitioners alone have been shown as nominees and 1st, 2nd and 3rd respondents are not shown as nominees.

5. After following due procedure, the petitioners were directed to tender evidence and accordingly, the 3rd petitioner examined himself as P.W.1. He marked the death certificate of his father as Ex.P1 and legal heirship certificate of his father as Ex.P2. He also marked the marriage invitation of his two parents which was held on 28.08.1983 as Ex.P5. He also marked the family card for the period 2005-2009 as Ex.P6 and the voter identity card as Ex.P7 series. The voter receipts have been marked as Ex.P8 series. The order in O.S.No.170 of 2011 by the V Additional Family Court was marked as Ex.P9. The letter from the BSNL with



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respect to the terminal benefits of P.Ravichandran was marked as
Ex.P10.

6. The respondents 1 to 3 have been served, but they had taken a conscious decision not to appear before this Court. Therefore, they are set ex-parte.

7. Taking into consideration the nature of evidence adduced and documents produced, this Original Petition is allowed, but however let me be a little cautious and the 4th respondent is directed to release 4/6th amount of the terminal benefits to the 4 petitioners and retain 2/6th share for a period of 3 months from the date of disposal of 4/6th share. If for 3 months there is no claim, then without any further reference, that amount may also be disbursed to the 1st petitioner. If P.Ravichandran had been working in a pensionable service, then the family pension may be paid to the 1st petitioner. Stating as above, the Original Petition stands allowed and succession certificate is to be issued to the 1st petitioner with power to collect the debts and to receive the interest and terminal and statutory



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benefits, if any specified in the schedule hereto, on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No

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APPENDIX

Petitioners' witness:

P.W.1 – Mr.R.Mahesh

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of Mr.Ravichandran (compared with the original).
Ex.P2	Photocopy of the legal heir certificate of Mr.Ravichandran.
Ex.P3	Photocopy of the identity card of Mr.P.Ravichandran in Central Government Health Scheme, Madras (compared with the original).
Ex.P4	Photocopy of the identity card of Mr.P.Ravichandran in BSNL Employees Medical Scheme (compared with the original).
Ex.P5	Photocopy of the marriage invitation of Mr.P.Ravichandran with Ms.M.Mallika held on 28.08.1983 (compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Photocopy of the family card for the period 2005-2009 of Mr.P.Ravichandran (compared with the original).
Ex.P7	(Series 5 Nos) are the photocopies of the voter identity cards of Mr.P.Ravichandran, Mrs.Mallika, Mr.Ramesh, Mr.Mahesh and Mr.Rajesh (compared with the originals).
Ex.P8	(Series 5 Nos) are the photocopies of the voter receipts of Mr.P.Ravichandran, Mrs.Mallika, Mr.Ramesh, Mr.Mahesh and Mr.Rajesh (compared with the originals).
Ex.P9	Certified copy of the order dated 26.03.2018 passed by V Additional Family Court in O.S.No.170 of 2011.
Ex.P10	Photocopy of the letter from Bharat Sanchar Nigam Limited dated 13.08.2019 addressed to Mrs.R.Mallika stating the terminal benefits of Mr.P.Ravichandran and asking to obtain succession certificate (compared with the original).
Ex.P11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 26.04.2024.
Ex.P12	Certified copy of the proof of Mr.P.Ravichandran that he is a employee of BSNL.
Ex.P13	Certified copy of the BSNL service record of Mr.P.Ravichandran.

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