



WEB COPY



O.P.No.493 of 2023

O.P.No.493 of 2023

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 first petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner is the wife of the deceased Swaminathan Meenakshi Sundaram and the second and third petitioners are their minor daughter and minor son. The deceased Swaminathan Meenakshi Sundaram died on 24.09.2022. The petitioners are the class I legal heirs of the deceased Swaminathan Meenakshi Sundaram. The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts



O.P.No.493 of 2023

mentioned in the schedule. There is no other person to be impleaded in this petition. 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.79,01,568/-. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the debts and securities as specified in the schedule.

4. The the power agent of the first petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.10.

5. P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in favour of the first petitioner. Ex.P.1 is the copy of the computer generated death certificate of the deceased Swaminathan Meenakshi Sundaram. Ex.P.1 shows that the deceased Swaminathan Meenakshi Sundaram died on 24.09.2022. Ex.P.2 is the computer



O.P.No.493 of 2023

WEB COPY

generated legal heir certificate of the deceased Swaminathan Meenakshi Sundaram. Ex.P.2 has been filed to show that the petitioners are the legal heirs of the deceased Swaminathan Meenakshi Sundaram. Ex.P.6 is the general power of attorney dated 19.11.2022 executed by the first petitioner in favour of P.W.1. Ex.P.7 is the downloaded copy of the statement of holding of ICICI Bank Limited as on 07.01.2023 bearing DP ID : IN302679 in respect of equity shares held by the deceased. Ex.P.5 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 petitioners have succeeded the debts and securities of the deceased Swaminathan Meenakshi Sundaram. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the first 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. The share of the minors, viz., the second and third petitioners herein, shall be deposited in any of the



O.P.No.493 of 2023

WEB COPY

nationalised bank in interest bearing deposit till the minors attains majority.

The first petitioner is entitled to utilise the interest from the bank for maintenance and education of the minors.

25.03.2024

vrc



WEB COPY



O.P.No.493 of 2023

N.SATHISH KUMAR, J.

VTC

O.P.No493 of 2023

25.03.2024