



O.P.No.397 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on : 15.11.2024

Pronounced on: 19.11.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Original Petition No.397 of 2024

1. Mothilal P.Thakur.
2. Herolal P.Thakur.
3. Manicklal P.Thakur.
4. Hema.
5. K.Manju.
6. R.Sunitha.
7. Maya A.Jadhwani.
8. V.Payal.
9. Hema Sachdev.
10. Kiran D.Chawla.
11. Dimple U. Kalra.
12. Neha M.Kalra.
13. D.Vandhana.
14. V.Heera.
15. V.Shilpa.

... 1st to 15th Petitioners

PRAYER: Original Petition has been filed under Section 327 of the Indian Succession Act read with Order XXV Rule 6 of the High Court Original Side Rules that succession certificate may be granted to the petitioners No.1 and petitioner No.13 with power to collect the debts and to receive interest and dividends on and negotiate and transfer the debts specified in the schedule hereto.



O.P.No.397 of 2024

For Petitioner : Mr.Karthikeyan Sekar

For Respondent : No respondent

ORDER

This petition has been filed under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Sides Rules for grant of succession certificate in the matter of certain debts of Sulochana Thakur @ Sulakshini.P and A.Pushpa @ Pushpa Amarlal. They married brothers and thereby are co-sisters by relation. During their lifetime, they jointly purchased a property at Sowcarpet and the original title document was kept in the SBI Bank locker at Elephant Gate Branch and been jointly operated by them. Sulachana Thakur @ Sulakshini died on 06/05/2010 and A.Pushpa died on 21/05/2022. They both died without executing *Will*. To get the original document, the locker has to be opened and for that purpose, the bank has insisted for Succession Certificate, hence this petition jointly by all the legal heirs of the two deceased persons died intestate to grant succession certificate to the first and thirteenth petitioner.



O.P.No.397 of 2024

WEB COPY

2. The petitioners 1 to 12 are the legal heirs of Sulachana Thakur @ Sulakshini. The petitioners 13 to 15 are the legal heirs of A.Pushpa @ Pushpa Amarlal. The legal heirs of Sulachana Thakur @ Sulakshini.P who are arrayed as petitioner 1 to 12 have given their consent affidavit in favour of the first petitioner. Likewise, the legal heirs of A.Pushpa had given their consent affidavit in favour of the 13th petitioner. The Branch Manager of the SBI, Elephant Gate Branch had informed that A.Pushpa Amarlal and Sulakshini.P bearing locker No:C2-8, SDV No:49001594097 having locker facility since 1998. They have not appointed nominee for the locker. Hence for proceeding further, succession certificate for both the locker hirers required.

3. Mothilal P.Thakur the first petitioner is examined as P.W-1. The following documents are marked on behalf of the petitioners.

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of the sale deed dated 13.03.1970 executed in favour of Mr.Pahalraj and Mr.Amarlal.
Ex.P.2	computer generated death certificate of Mrs.Sulochana Thakur.
Ex.P.3	Computer generated legal heir ship certificate of Mrs.Sulochana Thakur.
Ex.P.4	computer generated death certificate of Mrs.A.Pushpa.
Ex.P.5	Computer generated legal heir ship certificate of Mrs.A.Pushpa.



O.P.No.397 of 2024

<i>Exhibits</i>	<i>Documents</i>
Ex.P.6	Computer generated death certificate of Mr.Vijayakumar.
Ex.P.7	Computer generated legal heir ship certificate of Mr.A.Vijayakumar.
Ex.P.8	Original letter dated 21.02.2024 issued by Branch Manager, State Bank of India, Elephant Gate branch stating that Mrs.Pushpa Amarlal and Mrs.P.Sulakshini are having locker in No.Godrej:08 bearing A/c.No.49001594067 since 1998.
Ex.P.9	Photocopy of Aadhaar Card.
Ex.P.10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P.11	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 01.09.2024

4. Ex.P-1 the photocopy of the sale deed dated 13/03/1970 is a registered document at SRO, Sowcarpet as document No:1/198. Pahalraj and Mr.Amarlal both sons of Gobindram are the purchasers. Ex.P-2 is the death certificate for Sulochana Thakur W/o.Pahalraj who died on 06/05/2010. Ex.P-3 is the legal heir certificate for Sulochana Thakur showing petitioner 1 to 12 as her children and her husband Pahalaj deceased. Ex.P-4 is the death certificate of A.Pushpa who died on 21/05/2022. Ex.P-5 the legal heir certificate of Pushpa W/o.Amarlal. It shows she had left behind a daughter by name, D.Vandana and a predeceased son by name A.Vijayakumar. Ex.P-6 is the death certificate of A.Vijayakumar which shows he died on 09/10/2014. Ex.P-7 the legal heir certificate for A.Vijaykumar indicates he left behind his wife V.Heera and a daughter by name V.Shilpa. Thus, the petitioners 1 to 12 as sons and



O.P.No.397 of 2024

daughters of Pahalaj and Sulochana Thakur. The 13th petitioner as the daughter of Amarlal – A.Pushpa @ Pushpa Amarlal. 14th petitioner as wife of the predeceased son of A.Pushpa @ Pushpa Amarlal and the 15th petitioner as daughter of the predeceased son Vijayakumar been arrayed as parties and the consent affidavit given by them, shows that they have no objection for the first petitioner to represent petitioners 1 to 12 (the branch of Pahalaj-Sulochana) and the 13th petitioner to represent the petitioner 13 to 15 (the branch of Amarlal – Pushpa).

5. The petitioners states that the original of Ex.P-1 and other documents are in the locker at SBI, Elephant Gate Branch which stands in the name of Sulochana Thakur and A.Pushpa @ Pushpa Amarlal jointly. Ex.P-8 is the letter from the bank which indicate that they both have not nominated any person to operate the locker. The letter from the Bank dated 12/11/2024 (unmarked) further clarifies that succession certificate is required to operate the locker.

6. The exhibits and the consent letters of the other petitioners in favour of the petitioner 1 and 13, satisfies that to operate the locker at SBI,



O.P.No.397 of 2024

Elephant Gate Branch which stands in the name of Sulochana Thakur and A.Pushpa @ Pushpa Amarlal jointly, succession certificate is required. The legal heirs of the Sulochana Thakur and A.Pushpa @ Pushpa Amarlal who are the petitioners herein have consented to grant Succession Certificate to the petitioners 1 and 13 jointly for them to operate the locker which stands in the name of the deceased Sulochana Thakur and A.Pushpa @ Pushpa Amarlal.

7. In view of the above facts and circumstances, this ***Original Petition is allowed.*** The Succession Certificate is issued in favour of the petitioners 1 and 13 to operate the locker No:C2-8, SDV No: 49001594067 at State Bank of India, Elephant Gate Branch, Chennai.

19.11.2024

Index :Yes/No.
Internet :Yes/No.
bsm

Petitioner's witness:

P.W.1 – Mr.Mothilal P.Thakur.

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Certified copy of the sale deed dated 13.03.1970 executed in favour of Mr.Pahalraj and Mr.Amarlal.
Ex.P.2	computer generated death certificate of Mrs.Sulochana Thakur.



O.P.No.397 of 2024

<i>Exhibits</i>	<i>Documents</i>
Ex.P.3	Computer generated legal heir ship certificate of Mrs.Sulochana Thakur.
Ex.P.4	Computer generated death certificate of Mrs.A.Pushpa.
Ex.P.5	Computer generated legal heir ship certificate of Mrs.A.Pushpa.
Ex.P.6	Computer generated death certificate of Mr.Vijayakumar.
Ex.P.7	Computer generated legal heir ship certificate of Mr.A.Vijayakumar.
Ex.P.8	Original letter dated 21.02.2024 issued by Branch Manager, State Bank of India, Elephant Gate branch stating that Mrs.Pushpa Amarlal and Mrs.P.Sulakshini are having locker in No.Godrej:08 bearing A/c.No.49001594067 since 1998.
Ex.P.9	Photocopy of Aadhaar Card.
Ex.P.10	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P.11	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 01.09.2024

19.11.2024



WEB COPY



O.P.No.397 of 2024

Dr.G.JAYACHANDRAN,J.

bsm

Pre-delivery order made in
Original Petition No.397 of 2024

19.11.2024