



O.P.No.213 of 2022

O.P.No.213 of 2022

WEB COPY **A.A.NAKKIRAN, 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 petitioners with power to collect debts and to receive interest as specified in the schedule.

2.Heard the learned counsel for the petitioners. The 2nd respondent/Southern Railways has not filed their counter.

3.It is the case of the petitioners that the petitioners and the 1st respondent are the brothers and sisters of the deceased B.Thiyageswaran. The said B.Thiyageswaran died intestate on 05.10.2020 in a care accident. The deceased B.Thiyageswaran at the time of his death left behind him surviving as his only next of kin the petitioners and the 1st respondent. The father of the deceased, namely, Booshanam and his mother, namely, Thilagavathy predeceased him. The wife and son of the deceased



O.P.No.213 of 2022

B.Thiyageswaran, namely, Ponmani Jaya and son Immanuel died in the very same car accident on 05.10.2020. The deceased was working as Ex.Tech-1/TI & AC/MS in the Southern Railways, Chennai Division and died on 05.10.2020. The petitioners and the 1st respondent being brothers and sisters of the deceased B.Thiyageswaran as Class II legal heirs are entitled to the estate of the deceased. The deceased B.Thiyageswaran died intestate and though due and diligent search has been made for a Will, none has been found in respect of the securities mentioned in the schedule. The petitioners and the 1st respondent are the surviving legal heirs of the deceased and 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 succession certificate is required for the purpose of transmitting the securities in the name of the petitioners. The securities in respect of which succession certificate is required for the value of Rs.13,90,888/-. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his properties and credits. Hence, the petitioners have approached this Court for grant of



O.P.No.213 of 2022

succession certificate to the petitioners with power to collect debts and to receive interest as specified in the schedule.

4.The 3rd petitioner was examined as P.W.1 and marked Ex.P1 to Ex.P.9.

5.P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in their favour. Ex.P.1 is the computer generated Death Certificate of Mr.B.Thiyageswaran. Ex.P.2 is the computer generated Death Certificate of Mrs.Ponmani Jaya. Ex.P.3 is the computer generated Death Certificate of Mr.T.Immanuel. Ex.P.4 is the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 28.04.2023. Ex.P.5 is the carbon copy of the FIR No.1080/2020 dated 05.10.2020. Ex.P.6 is the photocopy of the Aadhaar Card of Mr.B.Thiyageswaran. Ex.P.7 is the photocopy of the Legalheirship Certificate of Mr.Bhusanam. Ex.P.8 is the photocopy of the letter dated 28.01.2021 addressed to the 3rd petitioner by Southern Railways regarding



O.P.No.213 of 2022

the Settlement dues of late B.Thiyageswaran. Ex.P.9 is the photocopy of the letter dated 09.03.2023 addressed to the 3rd petitioner by Southern Railways regarding the settlement dues of late Mr.B.Thiyageswaran.

Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the securities of the deceased Mr.B.Thiyageswaran. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioners with power to collect debts and to receive interest as specified in the schedule, is issued.

05.02.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No
mps



WEB COPY



O.P.No.213 of 2022

A.A.NAKKIRAN, J.

mps

O.P.No.213 of 2022

05.02.2024