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O.P.No.602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2024**

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No. 602 of 2023

Nalini Daniel @ Esther Nalini Daniel
@ Nalini Rajakumari Christy

... Petitioner

Vs.

Yesumani Alias Velankanni

... Respondent

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act (XXXIX of 1925) for grant of Succession Certificate read with Order XXV Rule 6 of the O.S. Rules to grant a Succession Certificate to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Mr.K.Nalaji



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ORDER

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The petition has been filed under Section 372 of the Indian Succession Act, 1925, seeking grant of Succession Certificate relating to the debts in the name of the late husband of the petitioner, Sri.B.Siddartha Seelan @ B.S.S.Daniel, who died intestate on 20.12.2019. The late husband of the petitioner was employed in the Southern Railways and consequent to his death, the family pension and the benefits were sought by the petitioner and for that purpose, this petition has been filed, seeking Succession Certificate. He had not mentioned any nominee in his service records.

2. It is stated that her late husband had a relationship with the respondent and one factor which scores against the petitioner is that in the death certificate issued by the Corporation, the name of the respondent is reflected as the wife of the husband of the petitioner herein. Notice was directed to the respondent, but she did not respond to the notice. Her name and address is printed in the cause list. There is no



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representation.

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3. The petitioner was directed to tender evidence. Accordingly, she examined herself as P.W.1 and produced copy of her marriage certificate dated 20.01.1982 as Ex.P1 and the copy of the Identity Card of her husband as Ex.P2. She also produced copy of the order of a decree dated 06.02.2013 in M.C. No. 605 of 2007 by the III Additional Principal Judge, Family Court, Chennai, wherein maintenance has been awarded to her. This document has been filed as Ex.P5. The employee of the husband of the petitioner, the Southern Railways, had insisted that Succession Certificate to be produced owing to the fact that in the death certificate the name of the respondent is reflected as wife, but however, the respondent has taken a conscious decision not to appear before this Court. The respondent is set ex-parte.

4. The evidence recorded on behalf of the petitioner is taken into consideration. On perusal of the documents filed and on appreciating the arguments advanced, this Original Petition stands allowed and



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Succession Certificate is directed to be issued with power to collect the debts and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the Schedule hereunder on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mrs.Nalini Daniel @ Esther Nalini Daniel
@ Nalini Rajakumari Christy

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of the marriage certificate dated 20.01.1982.
Ex.P2	Photocopy of the Identity Card of Mr.B.S.S.Daniel issued by Southern Railway (compared with the original).
Ex.P3	Photocopy of Aadhaar Card of the petitioner (compared with the original).
Ex.P4	Photocopy of the Railway Medical Attendance Identity Card



<i>Exhibits</i>	<i>Documents</i>
	of Mr.B.Siddhartha Seelan (Compared with the original).
Ex.P5	Photocopy of the order dated 06.02.2013 passed by Family Court in M.C.No.605 of 2007 (Compared with the original).
Ex.P6	Letter dated 19.04.2017 addressed to the petitioner from Southern Railways with regard to inclusion of the name of the petitioner in family pension of Mr.B.S.S.Daniel.
Ex.P7	Computer generated death certificate of Mr.B.S.S.Daniel
Ex.P8	Copy of the letter of the petitioner addressed to Deputy Chief Material Manager Chennai 24 asking to include the name of the petitioner as a beneficiary in the family pension of Mr.B.S.S.Daniel.
Ex.P9	Copy of the representation addressed to Deputy Chief Material Manager Chennai – 24 asking to include the name of the petitioner as a beneficiary in the family pension of Mr.B.S.S.Daniel.
Ex.P10	Copy of the representation dated 05.02.2021 addressed to Deputy Chief Material Manager Chennai – 24 asking to include the name of the petitioner as a beneficiary in the family pension of Mr.B.S.S.Daniel.
Ex.P11	Letter dated 24.03.2021 from Southern Railway addressed to the petitioner asking for succession certificate.
Ex.P12	Office copy of the letter of the counsel for the petitioner dated 29.08.2022 addressed to Southern Railway, Chennai 74 with regard to family pension of Mr.B.S.S.Daniel.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P13	Original acknowledgment card dated 02.09.2022 with the endorsement of Southern Railway, Ayanavaram, Chennai 23.
Ex.P14	Copy of the paper publication effected in one issue of Tamil Dailiy “Makkal Kural” dated 10.01.2024.

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C.V.KARTHIKEYAN,J.

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