



O.P.No.440 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Reserved on : 04.12.2024

Pronounced on : 11.12.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.440 of 2024

Manjula

... Petitioner

Prayer: Original Petition has been filed under Sections 372 of Indian Succession Act 1925 read with Order XXV Rule 6 of Original Side Rules that pleased to grant succession certificate in the name of the petitioner with power to collect the Debts and to receive the interest and dividends, and negotiate and transfer the securities specified in the schedule herein.

For Petitioner : Mr.J.Povas

ORDER

The Original Petition has been filed under Section 372 of Indian Succession Act 1925 read with Order XXV Rule 6 of Original Side Rules for issuance of succession certificate to the petitioner.



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2. Mrs.Jothi, the mother of the petitioner, during her lifetime, held three LIC policies as described in detail in the schedule to the petition. The said Jothi died on 19.03.2023, leaving behind her daughter and son. Her son, Munikumar, passed away unmarried on 27.03.2023. The petitioner is the sole surviving legal heir of Mrs.Jothi, as her husband and parents predeceased her. The petition is filed seeking a Succession Certificate to claim the benefits under the LIC policies.

3. To prove her entitlement, the petitioner has deposed on oath before the Master and has marked the following documents Exhibits 1 to 10:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Photocopy of the LIC Policy bearing No.705410613 standing in the name of Mrs.A.Jothi
Ex.P.2	Photocopy of the LIC Policy bearing No.715388740 standing in the name of Mrs.A.Jothi
Ex.P.3	Photocopy of the LIC Policy bearing No.715388741 standing in the name of Mrs.A.Jothi
Ex.P.4	Computer generated death certificate of Mrs.Jothi
Ex.P.5	Computer generated legal heir ship certificate of Mrs.Jothi
Ex.P.6	Computer generated death certificate of Mr.Munikumar
Ex.P.7	Computer generated legal heir ship certificate of Mr.Munikumar
Ex.P.8	Photocopy of petitioner's Aadhaar card
Ex.P.9	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P.10	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 14.09.2024.



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4. The paper publication inviting objections from the general public was published on 14.09.2024. No objections or claims were received. The documents Ex.P1 to Ex.P3 include the policy bond issued by LIC. It appears that late Mrs.Jothi has appointed Mr.Munikumar as the nominee. However, the said Munikumar died on 27.03.2023. The legal heir certificate issued for Munikumar indicates that Manjula, the petitioner herein, is the sole surviving legal heir of the deceased Munikumar as a class II heir. His father, Arumugam, and Mother Jothi, predeceased him.

5. In the light of the above evidence, which proves the death of Mrs.Jothi and the existence of the insurance policies in her name, the petitioner, being the sole surviving legal heir of Mrs.Jothi as her daughter, is entitled to claim the insurance policies covered under Ex.P1 to Ex.P.3. Accordingly, succession certificate is granted in favour of the petitioner being the legal heir of Mrs.Jothi who died intestate, leaving behind the securities morefully mentioned in the schedule to the petition.

6. In the result, this *Original Petition stands Allowed*. The Succession Certificate is issued in favour of the petitioner to enable her to collect the



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securities and to receive the interest, dividends on and negotiate and transfer the securities specified in the schedule hereto. The petitioner is directed to render account once in a year.

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Index: Yes/No.

Internet : Yes/No.

rpl

Petitioner's witness:

P.W.1 –Manjula

Documents marked:

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Dr.G.JAYACHANDRAN, J.

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delivery order made in
Original Petition No.440 of 2024

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