



O.P.No.2 of 2023

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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 petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that the petitioner is the son of the deceased L.S.Sriramamurthi and his wife Lakshmi Sriramurthi. The deceased L.S.Sriramamurthi had one son and two daughters. The deceased L.S.Sriramamurthi died on 22.03.1993. The wife of the deceased Lakshmi Sriramanurti expired on 16.11.1998. The petitioner and his sisters have arrived at a family arrangement and in terms of the Family Arrangement the shares which stood in the name of the deceased L.S.Sriramamurthi was allotted to the petitioner as his entitlement. One of the sister of the petitioner Chandra Kunchithapatham expired on 02.02.1999 leaving behind the fourth and fifth respondents as her legal heirs. The other sister of the petitioner, Prabhavathi



O.P.No.2 of 2023

Ganesan also expired on 17.02.2021 leaving behind her husband and children, who are respondents 1 to 3. The respondents do not have any right, title or interest in respect of the share in view of the family arrangement entered between the petitioner and her sisters. The petitioner and the respondents are surviving Class I legal heirs of the deceased. The deceased L.S.Sriramamurthi died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts 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.23,11,050/-. Hence, the petitioner has approached this Court for grant of succession certificate in his favour with power to collect the debts and securities as specified in the schedule.

4. The petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.13.

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



O.P.No.2 of 2023

Certificate in her favour. Ex.P.1 is the copy of the death certificate of the deceased L.S.Sriramamurthi. Ex.P.1 has been filed to show that the deceased L.S.Sriramamurthi died on 22.03.1993. Ex.P.2 is the copy of legal heir certificate of the deceased L.S.Sriramamurthi. Ex.P.2 shows that the petitioner and his sisters Chandra Kunchitha Patha and Prabhavathi are the legal heirs of the deceased L.S.Sriramamurthi. Ex.P.3 is the copy of the death certificate of Lakshmi Sriramamurthi. Ex.P.3 shows that the wife of the deceased died on 16.11.1998. Ex.P.4 is the Memorandum of Family Arrangement dated 27.01.1999 between the petitioner and his sisters. As per the Memorandum of Family Arrangement, the shares which stood in the name of L.S.Sriramamurthi were allotted to the petitioner. The legal heir certificate of the sisters of the petitioner have been marked as Ex.P.6 and Ex.P.8. As Ex.P.6 and Ex.P.8, the respondents are the legal heirs of the sisters of the petitioners. Ex.P.11 has been filed to show the assets of the deceased L.S.Sriramamurthi. Ex.P.13 is the Paper publication and none objected for the same.

6. On perusal of the above evidence, this Court is of the view that the evidence substantiate the stand of the petitioner and prove that the petitioner is the legal heir entitled to succeed the estate left by the deceased.



O.P.No.2 of 2023

Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the 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.

21.03.2024

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O.P.No.2 of 2023

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O.P.No.2 of 2023

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