



O.P. No.512 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM

THE HONOURABLE MS.JUSTICE C.V.KARTHIKEYAN

O.P. No.512 of 2022

1.P.Moorthy
2.P.Sundara Velu
3.P.Mahalingam
4.Rani
5.K.Gopinath
6.Sathish Kumar

... Petitioners

VS.

Manjula

... Respondent

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of O.S. Rules, prays that a Succession Certificate may be granted to the fifth petitioner with power to collect the debts specified in the schedule A hereunder and to receive the interest if any due thereon with accrued interest thereof.

For Petitioner : Mr.V.Manoharan

ORDER

This Original Petition has been filed seeking issuance of Succession Certificate to the fifth petitioner in respect of schedule mentioned debts of the deceased M.Vasanth who died interstate on 23.12.2017.

2. The deceased M.Vasanth was working in Chennai Corporation



O.P. No.512 of 2022

and her retirement and terminal benefits are now lying in the Accountant General office. The details have been given in the schedule to the plaint. The petitioners 1, 2 and 3 are her brothers and the 4th petitioner is her sister. She also had two other brothers who have pre-deceased her and the 5th and 6th petitioners are the sons of two brothers and the respondent is the daughter of one of the brother.

3. The respondent had been served but she had taken a decision not to appear before this Court. But, however, the petitioners have stated that they would reserve her share namely 1/12th share and ensure that it is in some manner or the other, handed over to her. The petitioners seek a Succession Certificate to be granted in favour of the 5th petitioner, K.Gopinath.

4. After completing necessary formalities, the petitioners were directed to tender evidence. The 5th petitioner, K.Gopinath was examined as P.W.1 and he filed the death certificate of M.Vasantha as Ex.P7. The relationship certificate of the 4th petitioner has been marked as Ex.P8, the death certificate of the two brothers who died were marked as Exs.P10 and P11 and the legal heir ship certificate of one of the brother was marked as Ex.P12. The documents relating to the amounts in the Accountant General office had been marked as Ex.P13.



O.P. No.512 of 2022

5. Taking all the factors into consideration, Succession Certificate is granted, but however, placing on obligation on the 5th petitioner to reserve and maintain 1/12th of the share and pay it to the respondent herein. The Original Petition stands allowed and Succession Certificate to be issued in favour of the 5th petitioner in accordance with the rules.

26.04.2024

Index :Yes/No
vkr



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O.P. No.512 of 2022

C.V.KARTHIKEYAN, J.

vkr

O.P. No.512 of 2022

26.04.2024