



O.P.No.515 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 04.12.2024

Pronounced on : 11.12.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.515 of 2023

1.H.Tamilselvi
2.H.Vinothkumar
3.H.Pradeesh
4.H.Prem

... Petitioners

Vs.

Mrs.Elizabeth

... Respondent

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 permit them to collect the debts with interest if any specified in the schedule hereunder may be granted to the petitioners and Succession Certificate may be granted to the petitioners.

For Petitioners : Mr.S.Nagarajan

For Respondent : No appearance

ORDER

The Original Petition has been filed under Section 372 of Indian Succession



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Act 1925 read with Order XXV Rule 6 of Original Side Rules for issuance of succession certificate to the petitioners.

2. Mr.V.Harikrishnan, a Sweeper at Rajiv Gandhi Government Hospital, died intestate on 13.02.2015 in Chennai. During his lifetime, V.Harikrishnan had two wives. Through his first wife Tamilselvi, he had two sons by name Vinothkumar and Vijaykumar. Through his second wife Elizabeth, he had two sons by name Pradeesh and Prem. One of his sons, Vijaykumar, later died intestate. His first wife Tamilselvi and his three surviving sons are the petitioners in this case. The second wife Elizabeth, is shown as respondent. A petition been filed seeking Succession Certificate to receive the death benefits of V.Harikrishnan. Due to rival claims between two wives, the authorities declined to disburse the retirement benefits and instructed them to get Succession Certificate.

3. W.P.No.29897 of 2018, was filed by the first petitioner challenging the letter refusing to disburse the retirement benefits. The Writ Petition is still pending. The present petition is filed seeking a Succession Certificate to claim the death benefits. The respondent, Elizabeth, has filed consent affidavit for the grant of a Succession Certificate in favour of the petitioners. She has also stated that she has no objection to second petitioner, Vinothkumar getting job on compassionate



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4. To prove that V.Harikrishnan was employed as a Sweeper at Rajiv Gandhi Hospital and was entitled to retirement benefits, the second petitioner, Vinothkumar was examined as PW.1. The following documents, marked as Ex.P1 to Ex.P.10. The first^t petitioner, Tamilselvi, the first wife of Harikrishnan, was examined as PW.2. Through her, the communication from the Rajiv Gandhi Hospital dated 13.06.2023 marked as Ex.P11.

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Computer generated payslip of my father Mr.Harikrishnan for the month of October 2014 along with certificate under Section 65 B of Indian Evidence Act, 1872
Ex.P.2	Computer generated death certificate of Mr.V.Harikrishnan
Ex.P.3	Original legal heirship certificate of Mr.Harikrishnan
Ex.P.4	Photocopy of the Aadhaar card of the first petitioner
Ex.P.5	Photocopy of my Aadhaar card
Ex.P.6	Photocopy of the Aadhaar card of the third petitioner
Ex.P.7	Photocopy of the Aadhaar card of the fourth petitioner
Ex.P.8	Computer generated death certificate of Mr.Vijay Kumar
Ex.P.9	Certificate under Section 65 B of the Indian Evidence Act, 1872, in respect of Es.P2 and P8
Ex.P.10	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 06.04.2024
Ex.P.11	Report dated 13.06.2023 received from Rajiv Gandhi Hospital under Right to Information Act. (This document is marked pursuant to the order dated 13.08.2023 in A.No.3868 of 2024 by the Hon'ble High Court

5. The paper publication inviting objections from the general public had not revoked any objection or response. The legal heir certificate issued



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to Harikrishnan mentioned Tamilselvi as his wife, and Vinothkumar and Vijaykumar as his two sons. Ex.P.8 is the death certificate of Vijaykumar showing that he passed away on 28.07.2018.

6. PW.2, in her proof affidavit, state that she obtained the information marked as Ex.P11 through RTI. Though in the petition, it is stated that the Succession Certificate is required for the purpose of claiming death benefits, including employment on the compassionate grounds, it is pertinent to note that a Succession Certificate can only be granted in respect of valuable securities and debts, not for public appointments.

7. Therefore, this *Original Petition stands Allowed* to the extent that the petitioners are jointly entitled to receive the retirement benefits of Harikrishnan as his legal heirs. A Succession Certificate is issued in favour of the petitioners, enabling them to collect the securities, receive interest and dividends and negotiate and transfer the securities specified in the schedule hereto. The petitioners are directed to render the account within one year from the date of grant of Succession Certificate.

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Index: Yes/No.



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Petitioner's witness:

P.W.1 –H.Vinothkumar

P.W.2 _H.Tamilselvi

Documents marked:

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Dr.G.JAYACHANDRAN, J.

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delivery order made in
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