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O.P.No.696 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

O.P.No.696 of 2023

Deepa Shivaji

... Petitioner

Vs.

R.Vaishaali

... Respondent

PRAYER: Original Petition filed under Sections 372 of Indian Succession Act, 1925 (Act XXXIX of 1925) r/w. O XXV, Rule 6 of O.S.Rules, 1956 to grant a Succession Certificate to the petitioner, with power to collect the debts and to receive money with the accrued interest thereon specified in the schedule hereto.

For Petitioner : M/s.M.Murali

ORDER

This petition is filed under Section 372 of Indian Succession Act, 1925 (ACT XXXIX of 1925) r/w.O XXV, Rule 6 of O.S.Rules, 1956 in the matter of certain debts belonging to Mr.K.Shivaji – Intestate deceased.



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2. The petitioner is the wife of the deceased K.Shivaji, who is entitled to succeed the entire estate of the deceased. The petitioner's only son S.Keerthi Hassan, who was a class-I legal heir has already predeceased the said K.Shivaji. Therefore, the petitioner is the only surviving legal heir of the deceased Shivaji. During his lifetime, the petitioner's husband had put term deposit receipts made in TDR Nos.3296245 to 3296248, Bank of Baroda, Choolaimedu Branch. However, during the year 2021, he has added the respondent herein as a nominee to the above TDRs.

3. A paper publication has been effected on 15.04.2024 which is evident from Ex.P.13.

4. The petitioner was examined as P.W.1 and marked the following documents:-

S.No.	Exhibits	Description of documents
1.	P1	The computer generated death certificate of Mr.S.Keerthi Hassan
2.	P2	The computer generated death certificate of Mr.K.Shivaji.
3.	P3	The computer generated legal heir certificate of Mr.K.Shivaji.
4.	P4	The photocopy of the term deposit receipt in Bank of Baroda standing in the name of Mr.K.Shivaji bearing No.3296248 (Compared with the original).



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S.No.	Exhibits	Description of documents
5.	P5	The photocopy of the term deposit receipt in Bank of Baroda standing in the name of Mr.K.Shivaji bearing No.3296245 (Compared with the original)
6.	P6	The photocopy of the term deposit receipt in Bank of Baroda standing in the name of Mr.K.Shivaji bearing No.3296246 (Compared with the original).
7	P7	The photocopy of the term deposit receipt in Bank of Baroda standing in the name of Mr.K.Shivaji bearing No.3296247 (Compared with the original).
8.	P8	The photocopy of the family card of Mr.K.Shivaji (Compared with the original).
9.	P9	The photocopy of the specific power of attorney dated October, 2021 executed by Ms.R. Vaishaali in my favour (Compared with the original).
10.	P10	The photocopy of my Aadhaar Card (Compared with the original).
11.	P11	The the photocopy of my letter dated 16.10.2021 addressed to The Manager, Bank of Baroda, Choolaimedu branch, Chennai) (witness states that the original of this document is with the Bank. This document is marked subject to its admissibility, proof and relevancy)
12.	P12	The certificate under Section 65B of the Indian Evidence Act, 1872.
13.	P13	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 15.04.2024.

5. It is seen that one R.Vaishaali, the respondent herein was appointed as a nominee by the said Shivaji. However, she had given a power of attorney in favour of the petitioner who is none other than the widow of the deceased Shivaji as could be seen from Ex.P.9 and hence I find that there is no impediment in granting the Succession Certificate to the petitioner.



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6. Accordingly, the above Original Petition is allowed as prayed for.

Registry to issue Succession Certificate in the name of the petitioner in accordance with Rules.

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(shr)

APPENDIX

List of witness examined on the side of the Petitioner:-

1.Mrs.Deepa Shivaji(P.W.1)

List of Documents marked on the side of the Petitioner:-

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12.	P12	The certificate under Section 65B of the Indian Evidence Act, 1872.
13.	P13	The copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 15.04.2024.

List of witness examined on the side of the Respondent:- -NIL

List of documents marked on the side of the Respondent:- -NIL

RMT.TEEKAA RAMAN, J.



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