



O.P.No.328 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 first petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner the brother's son of the deceased B.Chinnasamy and second petitioner is the brother's daughter of the deceased and third and fourth petitioners grand children of yet another brother of the deceased. The said B.Chinnasamy died intestate on 02.07.2008. The parents and wife of the deceased predeceased him and the said B.Chinnasamy and his wife have no issues. The petitioners are Class II legal heirs of the deceased. The deceased B.Chinnasamy 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



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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.11,47,540/-. The petitioners 2 to 4 have given consent affidavits for grant of succession certificate in favour of the first petitioner. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the debts as specified in the schedule.

4. The first petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.15.

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 Certificate in favour of the first petitioner. Ex.P.1 is the copy death certificate of the deceased B.Chinnasamy. Ex.P.1 has been filed to show that the deceased B.Chinnasamy died on 02.07.2008. Ex.P.2 is the copy of the death certificate of the brother of the deceased, viz., B.Govindaswamy. Ex.P.2 shows that the said Govindaswamy died on



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27.10.2010. Ex.P.3 is the copy of the legal heirship certificate of Govindaswamy. Ex.P.3 shows that the petitioners are the legal heirs of the said Govindaswamy. Ex.P.5, 6 and 15 have been filed to show the assets of the deceased B.Chinnasamy. Ex.P.9 to Ex.P.11 are the consent affidavits filed by the petitioners 2 to 4 for granting succession certificate in favour of the first petitioner. Ex.P.12 is the Paper publication and none objected for the same.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the debts of the deceased B.Chinnasamy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the first 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.

13.02.2024

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