



O.P.No.816 of 2023

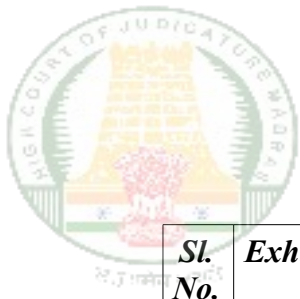
RMT.TEEKAA RAMAN, J.

This original petition has been filed taking advantage of Section 372 of the Indian Succession Act, 1925 r/w order XXV Rule 6 of the Madras High Court Original Side Rules, seeking Succession Certificate with respect to the securities in the name of P.Balashanmugam, who died on 05.02.2022.

2. The 1st petitioner is his wife; the 2nd and 3rd petitioners are sons and the 4th petitioner is his mother. They filed the application for grant of succession certificate in respect of the amount relating with the chit fund and other amounts to the tune of Rs.10,18,919/-.The details of the securities had been given in the schedule to the petition.

3.After following due procedure, the petitioners were invited to tender evidence. Accordingly, the 2nd petitioner was examined as P.W.1 and marked as Exs.1 to 15.

4. The following documents were filed by the petitioners is as follows:-



Sl. No.	Exhibits	Documents
1.	Ex.P1	The certified copy obtained from the City Civil Court of Chennai for the document showing the payment of monthly chit amount by Balu to S.Ajai Chit.
2.	Ex.P2	The certified copy obtained from the City Civil Court of Chennai for the document showing the chit subscription payments.
3.	Ex.P3	The certified copy obtained from the City Civil Court of Chennai for the document showing the chit subscription payments.
4.	Ex.P4	The computer generated death certificate of Mr.P.Balashanmugam, along with certificate under 65 B of the Indian Evidence Act, 1872.
5.	Ex.P5	The computer generated legal heir certificate of Mr.P.Balashanmugam, along with certificate under 65 B of the Indian Evidence Act, 1872.
6.	Ex.P6	The certified copy of the plaint filed in City Civil Court, Chennai in O.S.No4394 of 2023, dated 20.04.2023.
7.	Ex.P7	The certified copy obtained from City Civil Court, Chennai for the legal notice dated 05.04.2023 sent to Mr.R.Sundar with postal receipt.
8.	Ex.P8	The certified copy obtained from City Civil Court, Chennai for the returned postal cover dated 06.04.2023.
9.	Ex.P9	The photocopy of the Aadhaar Card of the first petitioner
10.	Ex.P10	The photocopy of my Aadhaar Card
11.	Ex.P11	The photocopy of the Aadhaar Card of the third petitioner
12.	Ex.P12	The photocopy of the Aadhaar Card of the fourth petitioner
13.	Ex.P13	Online status of O.S.No.4394 of 2023 downloaded from e-court website, along with certificate under Section 65 B of the Indian Evidence Act, 1872.
14.	Ex.P14	The original Tamil Nadu Government Gazette notification dated 25.09.2019 showing the change of name of Mr.P.Babu as Mr.P.Balashanmugam reflecting in Page No.1432 (This document is marked pursuant to the order dated 28.06.2024 in A.No.3076 of 2024 passed by this Court)
15.	Ex.P15	The copy of the paper publication effected in one issue of Tamil Daily "Malai Malar" dated 09.02.2024.

5. Paper Publication has been effected and name changes are also been



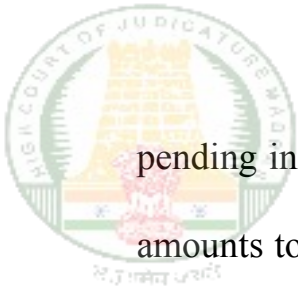
effected.

6. From the evidence of P.W.2 and documentary evidence, it is shown that:

(a) P.Balashanmugam was also known as "Balu". In this regard, he published a gazette notification dated 25.09.2019 at Chennai for his present name "P.Balashanmugam". One Mr.R.Sundar, S/o.Late D.Ramadoss, was running an unregistered chit business in the name of "S.Ajay Chit" at No.8/6, Thanthai Periyar Nagar, Ayanavaram, Chennai - 600 023.

(b) The petitioners are legally entitled to collect the said total subscription amount of Rs.7,57,075/- along with interest at 12% per annum from 01.06.2020. Accordingly, the petitioners filed a suit in O.S.No.4394 of 2023 on 20.04.2023 for recovery of the said total subscription amount of Rs.7,57,075/- along with accumulated interest at Rs.2,61,844/- from 01.06.2020 to 19.04.2023 (till the date of plaint) and also future interest from 20.04.2023 to till the date of realization. The deceased Mr.P.Balashanmugam died intestate leaving behind 1)Mrs.B.Vijaya (wife), 2)Mr.B.Karthikeyan (son), 3)B.Logesh (son), 4)Mrs.Jothi(mother), as his surviving class-I legal heir and his only surviving next-of-kin according to law and has left no other relations.

7. Hence, the succession certificate is filed for the above said amount



pending in the O.S.No.4394 of 2023 along with future interest and the other amounts to the extent of Rs.10,18,919/-.

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8. In view of both oral and documentary evidences adduced before this Court, I find no impediment for grant of succession certificate.

9. Accordingly, this Original Petition stands allowed. The Succession Certificate may be issued to the petitioners, in accordance with the rules.

22.08.2024

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RMT.TEEKAA RAMAN,,J.

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