



O.P.No.613 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 second petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the deceased is the son of the petitioners. The said P.Vignesh died intestate on 08.01.2022. The deceased P.Vignesh and his wife G.Preetha could not live together as married husband and wife and they obtained divorce by mutual consent in HMOP.No.1504 of 2021 on 27.07.2021. Since the wife of the deceased got divorced, she cannot claim share in the insurance amount. The petitioners are Class I legal heirs of the deceased. The deceased P.Vignesh died intestate and though due and diligent search has been made for a Will, none



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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 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 first petitioner has given consent affidavit for grant of succession certificate in favour of the second petitioner. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the second petitioner with power to collect the debts as specified in the schedule.

4. The second petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.6.

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 second petitioner. Ex.P.3 is the copy death certificate of the deceased P.Vignesh. Ex.P.3 has been filed to show that the deceased P.Vignesh died on 08.01.2022. Ex.P.4 is the copy of the



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the copy of the legal heirship of the deceased P.Vignesh. Ex.P.4 shows that the petitioners are the legal heirs of the deceased P.Vignesh. Ex.P.1 is copy of the Postal Life Insurance policy bond in name of the deceased P.Vignesh. Ex.P.2 is the copy of decree of divorce dated 27.07.2021 passed in H.M.O.P.No.1504 of 2021. Ex.P.6 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 P.Vignesh. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the second 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.

13.03.2024

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