



WEB COPY

O.P.No.274 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.10.2024**

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

O.P.No.274 of 2024

1. A.Jayamani

2. R.Balasubramanian

3. R.Alagu Chitra

...

Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act XXXIX of 1925, read with Order XXV Rule 6 of Original Side Rules, praying that a Succession Certificate may be granted to the petitioners, Mrs.A.Jayamani, R.Balasubramanian and R.AlaguChitra with the power to collect the debts and to receive the interest specified in the schedule.

For Petitioners : Ms.Srinidhi
for Mr.M.Jaikumar

ORDER

This Original Petition is filed under Section 372 of Indian Succession Act XXXIX of 1925, read with Order XXV Rule 6 of Original Side Rules, praying that a Succession Certificate may be granted to the petitioners, Mrs.A.Jayamani, R.Balasubramanian and R.AlaguChitra with the power to



collect the debts and to receive the interest specified in the schedule.

WEB COPY

2. It is submitted by the learned counsel for the petitioners that the petitioners herein are the Class 2 legal heirs of the deceased R.Shanthi. The 1st and 2nd petitioner, along with one Renugadevi and Shanthi are the children of one Mr.Ramakrishnan and Mrs. Lakshmi. The above said Renugadevi died on 25.10.2014, leaving behind the 3rd petitioner as sole legal heir of above said Renugadevi. The above said Mr.Ramakrishnan & Mrs.Lakshmi died on 22.02.1991 and 10.10.2009 respectively.

2.1. The learned counsel for the petitioners further submits that the above said Shanthi died intestate as spinster on 27.04.2018, at her ordinary place of residence, No.15/39, Vallalar Street, Padmanabhan Nagar, Choolaimedu, Chennai-600 094. The petitioners applied for a legal heirship certificate for the deceased Shanthi on 01.10.2019, to claim her estate. After the authority refused to issue the certificate, they filed a suit in O.S.No.579 of 2019 at the Principal District Munsif Court, Madurai Town, and on 21.01.2020, a decree was passed declaring the petitioners as legal heirs of the deceased Shanthi.



2.2. The petitioners then approached the Indian Overseas Bank, Choolaimedu Branch, requesting the release of fixed deposits FD No. 353640 dated 03.09.2013, for Rs.4,00,000/-, FD No. 0160768 dated 12.04.2017, for Rs.5,00,000/- and FD No. 0160769 dated 12.04.2017, for Rs.7,00,000/- from the deceased Shanthi's Savings Bank account No.18685. However, the bank refused to disburse the funds, claiming that Shanthi was married to one Rajan, who was named as the nominee on the Savings Bank account.

2.3. The petitioners assert that, to their knowledge, Shanthi never married, and the bank has not provided any details regarding the alleged nominee. They contend that neither the fixed deposits nor any other records refer her husband and only the name of Shanthi's father is mentioned in all documents. On 11.10.2021, they sent a notice to the bank requesting the release of the funds for which the bank denied and asked the petitioners to produce succession certificate. The assets for which the succession certificate is required is of the value Rs.16,00,600/-. Thus it is prayed that a succession certificate may be granted to the petitioners.

3. After following due procedure, the petitioners were invited to tender evidence. The 1st petitioner, Mrs.A.Jayamani examined herself as P.W.1 and



marked Exs.P1 to P18. Paper publication has been effected and the learned Master did not receive any objections.

WEB COPY

4. In view of both oral and documentary evidences adduced before this Court, I find no impediment to grant succession certificate to the petitioners.

5. Hence, this Original Petition stands allowed. The Succession Certificate may be issued in favour of the petitioners in accordance with rules, with the power to collect the debts and to receive the interest specified in the schedule.

29.10.2024

Index :Yes/No
spp

APPENDIX

Petitioner's witness:

P.W.1 – Mrs.A.Jayamani

**Documents marked:**

<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
1	Photocopy of Aadhaar Card (P.W.1) (Compared with the original)	P1
2	Photocopy of the Aadhaar Card of second petitioner (Compared with the original)	P2
3	Photocopy of the Aadhaar Card of third petitioner (Compared with the original)	P3
4	Photocopy of the Aadhaar card of Ms.Shanthi (Compared with the original)	P4
5	Computer generated death certificate of Mr.S.Ramakrishnan	P5
6	Computer generated legal heirship certificate of Mrs.Lakshmi Ammal	P6
7	Computer generated death certificate of Ms.Shanthi	P7
8	Photocopy of the voter identity card of Ms.Shanthi (Compared with the original)	P8
9	(Series 4 Nos) Photocopies of the front pages of Indian Overseas Bank passbook bearing A/c.No.130801000018685 standing in the name of Ms.R.Shanthi (Compared with the original)	P9
10	Photocopy of the rental agreement dated 14.03.2017 entered into between Mr.A.Balakrishnan and Ms.R.Shanthi (Compared with the original)	P10
11	Photocopy of the Indian Overseas Bank deposit receipt dated 07.09.2013 in the name of Ms.R.Shanthi (Compared with the original)	P11
12	Photocopy of the Indian Overseas Bank deposit receipt dated 12.04.2017 in the name of Ms.R.Shanthi (Compared with the original)	P12
13	Photocopy of the Indian Overseas Bank deposit receipt dated 12.04.2017 in the name of Ms.R.Shanthi	P13



<i>S.No</i>	<i>Particulars</i>	<i>Exhibits</i>
	(Compared with the original)	
14	Photocopy of the petition dated 26.02.2021 filed under Right to Information Act, 2005 sent by P.W.1 to the Central Public Information Officer Indian Overseas Bank, Choolaimedu, Chennai (Compared with the original)	P14
15	Photocopy of the letter dated 04.01.2021 addressed to me by Indian Overseas Bank asking for the order from the competent court directing the Bank to settle the amount in the account Mrs.R.Shanthi (Compared with the original)	P15
16	Photocopy of the judgment and decree dated 21.01.2020 in O.S.No.579 of 2019 passed by the Principal District Munsif Court, Madurai Town (Compared with the original)	P16
17	Copy of paper publication effected in one issue of Tamil daily “Maalai Thamizhagam” dated 10.08.2024	P17
18	Certificate under Section 65B of the Indian Evidence Act, 1872	P18

29.10.2024**spp**



WEB COPY

O.P.No.274 of



RMT.TEEKAA RAMAN, J.

spp

O.P.No.274 of 2024

29.10.2024