



O.P.No.768 of 2023

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A.A.NAKKIRAN, 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, 1956, to grant succession certificate in favour of the petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the petitioners are the surviving class-II legal heirs of the deceased J.Peter, S/o. Johnson. The said J.Peter John died intestate on 10.09.2021. The parents and J.Samuel, one of the brothers of the deceased J.Peter, had predeceased him and was a bachelor. The deceased J.Peter 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. The petitioners are the surviving legal heirs of the deceased and there is no other person to be impleaded in this petition. The deceased



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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.5,85,002/-. Hence, the petitioners have approached this Court for grant of succession certificate in their favour with power to collect the shares and to receive the interest and dividends and negotiate and transfer the securities as specified in the schedule.

4. The second petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.7.

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 their favour. Ex.P.1 is the computer generated death certificate of J.Samuel, who is the brother of the deceased J.Peter. Ex.P2 is the computer generated legal heir certificate of J.Samuel. Ex.P2 shows that the petitioners 6 to 8 are the legal heirs of J.Samuel, who is the brother of the deceased J.Peter. Ex.P3 is the computer generated death certificate of J.Peter. Ex.P.3 has been filed to show that the



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deceased J.Peter died on 10.09.2021. Ex.P4 is the computer generated legal heir certificate of the deceased J.Peter. Ex.P.4 shows that the petitioners 1 to 5 are the legal heirs of the deceased J.Peter. Ex.P5 and Ex.P6 have been filed with regard to the securities held by the deceased J.Peter. Ex.P.7 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 J.Peter. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioners with power to collect the shares and to receive interest and dividends and negotiate and transfer the securities specified in the schedule, is issued.

19.02.2024

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