



O.P.No.94 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 94 of 2024

F.Sheela Roselin

... Petitioner

Vs.

1.Alphonsus Christopher Francis

2.Jayalakshmi Francis

3.F.Lucy Lydia

... Respondents

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act XXXIX of 1925, read with Order XXV Rule 6 of Original Side Rules to grant succession certificate to the petitioner with power to collect the debts and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Mr.K.Natarajan

ORDER

The petition has been filed seeking succession certificate to be issued in the name of the petitioner with respect to the debts of F.Devamani, sister of the petitioner and all the three respondents, who died intestate as a spinster on 30.04.2021.



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2. It is stated that the petitioner and the respondents are the only surviving Clause II legal heirs. Notice had been directed to the respondents and though notice had been served and affidavit of service had been filed, they did not come forward either to contest or to state no objection.

3. After following due procedure, the petitioner was directed to tender evidence. Accordingly, she examined herself as P.W.1 and marked as Ex.P1 – passbook of F.Devamani in West Mambalam Post Office and she also marked as Ex.P4 – death certificate of F.Devamani. She also marked as Exs.P5 and P10 – death certificate and legal heirship certificate of father of the petitioner, respondents and of F.Devamani. In the legal heirship certificate, the names of all the legal heirs are given.

4. Taking into consideration the evidence adduced and documents produced and also on noting that the respondents have not appeared before this Court and probably have taken a conscious decision not to appear, this Original Petition stands allowed. Succession certificate to be



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issued in favour of the petitioner with power to collect the debts and dividends on and negotiate and transfer the securities specified in the schedule to the Petition on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Ms.F.Sheela Roselin

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the passbook in senior citizen savings scheme held by Ms.F.Devamani in West Mambalam, Post Office bearing A/c.No.4107448062 (compared with the original).
Ex.P2	Computer generated death certificate of Mr.D.A.Francis.
Ex.P3	Computer generated death certificate of Mrs.Rosemary Francis.
Ex.P4	Computer generated death certificate of Ms.F.Devamani.
Ex.P5	Computer generated death certificate of Mr.Francis Alexander Ratnakumar.
Ex.P6	Photocopy of my Aadhaar Card (compared with the original).



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	Photocopy of the Aadhaar Card of Mrs.Jayalakshmi Francis (compared with the original).
Ex.P8	Photocopy of the Aadhaar Card of Mrs.F.Lucy Lydia (compared with the original).
Ex.P9	Copy of the paper publication effected in one issue of Tamil Daily “Maalai Tamizhagam” dated 13.04.2024.
Ex.P10	Computer generated legal heir certificate of Mr.D.A.Francis.
Ex.P11	Certificate under Section 65B of the Indian Evidence Act, 1872 for Ex.P10.

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C.V.KARTHIKEYAN,J.

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