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O.P. No.252 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.252 of 2025

E. Sampathkumar S/o. Elumalai

..... Petitioner

vs

J. Kirubakaran S/o. Late M. Jaganatha Mudaliar

... Respondent

PRAYER: : Original Petition is filed under Section 372 of the Indian Succession Act of 1925 read with Order XXV Rule 6 of the Original Side Rules praying to grant Succession Certificate to the petitioner with power to collect the debts and to receive the dividends thereon and negotiate and transfer the securities specified in the Schedule.

For Petitioner : Mr. V.M. Venkatramana

For Respondent : Mr. M.V.Seshachari

ORDER

This petition has been filed by the petitioner praying to grant Succession Certificate under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Original Side Rules.

2.According to the petitioner, he is the husband of one Mrs. S.



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Balasundari. The respondent is the elder brother of the deceased

S. Balasundari. The said deceased during her lifetime, had maintained fixed

deposit account vide A/c. No.3105103473 with Central Bank of India,

Nandambakkam Branch and the interest to the Fixed deposit is being

periodically credited to the Savings Bank account No.1454964450 maintained

with Central Bank of India, Washermanpet Branch. There are no issues for

the petitioner and the deceased out of their wedlock. The deceased died on

03.11.2024 leaving behind the petitioner as her only next kin. The deceased

mentioned the petitioner's name as nominee for the said Savings Bank

Account. The Succession Certificate is required for the purpose of

disbursement of the amount with respect to the Fixed Deposit A/c.

No.3105103473 maintained with Central Bank of India, Nandambakkam

branch having a balance of Rs.9 lakhs with accumulated interest of

Rs.10,524.19.

3. After filing of this Original Petition, the petitioner was directed to effect paper publication and the same was also effected. No any objection was received from any party. Thereafter, the matter was posted for examination of witnesses and the evidence was recorded. On the side of the petitioner, he examined PW1 and marked Ex.P.1 to Ex.P22.

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4. This Court also perused the entire documents including the evidences. The petitioner was examined as PW1 and marked Ex.P.1 to Ex.P.22. On a careful perusal of the evidence of PW1 and the documents Ex.P.1 to Ex.P.22, they reveal that the petitioner is the husband of the deceased namely Mrs. S. Balasundari and the respondent is the elder brother of the deceased and the deceased, during her lifetime, had maintained fixed deposit account and securities mentioned in the Schedule of the petition and she died intestate, thereby, the petitioner, as husband and the legal heir of the deceased, has come forward with this petition. The petitioner / PW1 has been cross examined by the respondent. The respondent has not raised any objection to grant succession certificate in favour of the petitioner and therefore, petitioner is entitled to the Succession Certificate.

5. In view of the same, this Original Petition is ***allowed.*** ***The petitioner is entitled to the value of the petition-mentioned assets and a direction for grant of Succession Certificate in favour of the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule, as applicable***

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till the date of withdrawal, is issued .

18.11.2025

Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. E. Sampath Kumar

List of Petitioner side Documents:

Exhibit No.	Date	Description of document
Ex.P.1	-	Computer generated Death Certificate of Mrs. Balasundari.S.
Ex.P.2	-	Computer generated Legal Heirship Certificate of Mrs. Balasundari.S.
Ex.P.3	,	Downloaded copy of QIDR account details of Mrs. Balasundari.S. issued by Central Bank of India, Nandambakkam branch.
Ex.P.4	-	Photocopy of the Aadhar Card of Mrs. Balasundari.S
Ex.P.5	-	Photocopy of PAN card of Mrs. S. Balasundari.
Ex.P.6.	-	Photocopy of Voter ID of Mrs. Balasundari
Ex.P.7	-	Photocopy of the Family Card of Mr. V. Elumalai Sampath Kumar.
Ex.P.8	-	Photocopy of the Family Card of Mr. Sampath Kumar.E for the year 2005-2009.
Ex.P.9	-	Computer generated Death Certificate



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Exhibit No.	Date	Description of document
		of Mr. Jaganathan.
Ex.P.10	-	Computer generated Death Certificate of Mrs. J. Sarojini Devi.
Ex.P.11	-	Photocopy of the Aadhar Card of Mr. Sampath Kumar.E.
Ex.P.12	-	Photocopy of PAN card of Mr. E. Sampath Kumar
Ex.P.13	-	Photocopy of Voter ID of Mr. Sampath Kumar
Ex.P.14	-	Photocopy of bank passbook of Mrs. Balasundari.
Ex.P.15	-	Photocopy of Nomination report of Mrs. Balasundari.S.
Ex.P.16	22.11.2024	Photocopy of the letter sent by Mr. E. Sampath Kumar to the Branch Manager, Central Bank of India, Nandambakkam Branch along with the original acknowledgement card and the postal stamp.
Ex.P.17	-	Downloaded copy of Email of petitioner and reply email of Central Bank of India, Nandambakkam Branch.
Ex.P.18	-	Downloaded copy of the email from the petitioner and reply email from Central Bank of India, Nandambakkam Branch.
Ex.P.19	06.06.2024	Downloaded copy of the email sent by the petitioner to Central Bank of India.
Ex.P.20	-	Legal notice sent by the petitioner to Central Bank of India, Nandambakkam branch along with the original proof of delivery card.
Ex.P.21	23.08.2025	Copy of paper publication effected in one issue of Tamil daily “Dinakural”.



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Exhibit No.	Date	Description of document
Ex.P.22	-	Affidavit under Section 63(4) of BSA for downloaded documents.

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