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O.P. No.293 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.293 of 2025

R. Sudhakar Babu

2 ... Petitioner

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 withdraw the debts and to receive the Fixed Deposit amount with accrued interest, as specified in the Schedule.

For Petitioners : Mr. M. Kempuraj

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.



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2. According to the petitioner, the grand father of the petitioner Tr. Seetharama Chetty died in the year 1975 and his grand mother namely Tmt. Madhurambal died on 03.04.1999, leaving behind their daughters namely, (1) Mrs. R. Anusuya, the mother of the petitioner herein, (2) Vasantha, (3) T. Shanthakumari and (4) T. Padmavathy. The mother of the petitioner R. Anusuya died on 20.01.2000 and the father of the petitioner predeceased his mother in Hyderabad in September 1993. The petitioner is the only Class-II legal heir. The petitioner's maternal aunt Vasantha and her husband V.S. Kesavan died issueless on 29.06.1992 and 13.04.1999 respectively. His other maternal aunt T. Shanthakumari and T. Padmavathy died as spinster on 24.01.2016 and 24.09.2017 respectively. The petitioner's maternal aunt T. Padmavathy, during her lifetime, bequeathed her properties in favour of the petitioner vide a Registered Will dated 11.12.2009, in which, she had given life interest to her sister T. Shanthakumari, the deceased herein, without any right of alienation and after the death of said T. Shanthakumari, her

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immovable properties shall vest absolutely in favour of the petitioner herein.

After the death of the deceased T. Shanthakumari, has become the only surviving Class-II legal heir to claim her debts as mentioned in the schedule.

3. After the demise of T. Padmavathy, the petitioner filed a petition for grant of Letters of Administration before this Court in O.P. No.172 of 2020 and the same was allowed vide order dated 19.09.2022. The deceased T. Shanthakumari, during her lifetime, deposited her income in the Fixed Deposit i.e., Rs.1 lakh with Indian Bank, Thirumangalam Branch on 04.04.2012 for a period of 5 years, which lapsed on 04.04.2017. The petitioner has found the Fixed Deposit receipt only recently. Since the deceased T. Shanthakumari died on 24.01.2016. The above said Fixed Deposit receipt was not renewed thereafter, now a sum of Rs.1,61,875/- is lying with the Fixed Deposit account. Thus, the Succession Certificate is necessary for the petitioner to collect the securities. Therefore, he has filed this petition.

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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 was examined as PW1 and marked Ex.P.1 to Ex.P9.

4. This Court also perused the entire documents including the evidences. On a careful perusal of the evidence of PW1 and the documents Ex.P.1 to Ex.P9, they revealed that the petitioner is the only the surviving legal heir of the deceased T. Shanthakumari and the deceased deposited her income in the Fixed Deposit as mentioned in the Schedule of the petition and the deceased died as Spinster and thereby, the petitioner, being the only surviving Class II legal heir, is entitled to claim her debts as per the schedule.

5. In view of the same, this Original Petition is ***allowed and*** a direction

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for grant of Succession Certificate in favour of the petitioner with power to

collect her debts, securities and to receive the interest and dividends on and

negotiate and transfer the securities specified in the Schedule, as applicable

till the date of withdrawal, is issued.

25.09.2025

Index : Yes/No

Speaking Order : Yes/No

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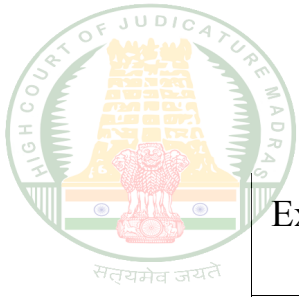
APPENDIX:

List of Petitioner side Witnesses:

PW1 : Mr. R. Sudhakar Babu

List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents.
Ex.P.1.	09.07.1992	Photocopy of Death Certificate.
Ex.P.2	02.04.2025	Online copy of the Death Certificate of Mrs. T. Madhurambal.
Ex.P.3	13.04.1999	Online copy of the Death Certificate of Mr. V.S. Kesavan.



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Ex.P.4.	02.04.2025	Online copy of the Death Certificate of Ms. R. Anusuya.
Ex.P.5	22.02.2016	Online copy of the Death Certificate of Ms. T. Shanthakumari.
Ex.P.6	02.04.2025	Online copy of the Death Certificate of Ms. T. Padmavathy.
Ex.P.7	04.04.2012	Fixed Deposit receipt.
Ex.P.8	-	Downloaded copy of the order passed in O.P. No.172 of 2020.
Ex.P.9	16.07.2025	One issue of paper publication effected in Tamil Daily newspaper "Makkal Kural".



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