



O.P. No.158 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

O.P. No.158 of 2025

1.M.A.SithiFathima w/o (late) M.A.Ashraf Ali
2. MA.AminaAmmal d/o (late) M.A.Ashraf Ali ... Petitioners
Vs

1. M.A.Asheek Mohamed
2. M.A.Mohmood
3. M.A.Asif Ashraf
Sons of (late) M.A.Ashraf Ali ...Respondents

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 petitioners with power to collect the debts and to receive the interest, if any specified in the Schedule-B.

For Petitioners : Mr. M.J.Jaseem Mohamed
For Respondents : No appearance

ORDER

This petition has been filed by the petitioners 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 petitioners, one M.A.Ashraf Ali, who is the husband of the 1st petitioner and father of the 2nd petitioner died on 06.01.2020.

- The 1st petitioner is the husband of M.A.Ashraf Ali.
- The 2nd petitioner is the daughter of M.A.Ashraf Ali.
- The respondents are the sons of M.A.Ashraf Ali.

Except the above petitioners and the respondents, there are no other legal heirs to the said deceased M.A.Ashraf Ali. The said deceased M.A.Ashraf Ali, during his lifetime, had Schedule -A of Debts to the tune of Rs.42,59,374/- in City Union Bank Ltd., GT Branch, Chennai and Schedule-B of Debts to the tune of Rs.10,64,843.5/- amount of debts in the name of the deceased. The deceased M.A.Ashraf Ali died intestate. A due and diligent search has been made for a Will, but it was not found. Since the petitioners and the respondents are the only legal heirs of the assets of the



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deceased and that the respondents are not evincing interest for obtaining succession certificate and there is no other next of kin to the deceased and in order to get those amount, the Succession Certificate is necessary to them. Therefore, the petitioners have filed this petition for grant of succession certificate in favour of them in respect of 'B' Schedule to the tune of Rs.10,64,843.50/-

3. After filing of this Original Petition, the petitioners were 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 petitioners, they examined PW1 and marked Ex.P.1 to Ex.P8.

4. This Court also perused the entire documents including the evidences. On a careful perusal of the evidence of P.W.1 and the documents Ex.P.1 to Ex.P8, they reveal that the petitioners and the



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respondents are the legal heirs of the deceased M.A.Ashraf Ali to succeed his estates and he died intestate, thereby, the petitioners and the respondents are entitled to get shares. The petitioners being wife and daughter of the deceased respectively, each are entitled to 1/8 share, i.e., the Schedule B-Debts to the tune of Rs.10,64,843.5. Therefore, the petitioners are entitled to the Succession Certificate, for their each 1/8 share.

5. In view of the same, this Original Petition is ***allowed.*** ***The petitioners are entitled to the value of the petition-mentioned Schedule B – Debts and*** a direction for grant of Succession Certificate in favour of the petitioners with power to collect the assets mentioned in the Schedule-B, as **applicable till the date of withdrawal, is issued.**

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Index : Yes/No
Speaking Order : Yes/No
ssd

APPENDIX:

List of Petitioner side Witness:

PW1 : Mrs.M.A.Aminaammal



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List of Petitioner side Documents:

Exhibit No.	Date	Description of Documents
Ex.P.1.	-	Photocopy of Aadhar Card of 1 st petitioner.
Ex.P.2	-	Photocopy of Aadhar Card of 2 nd petitioner.
Ex.P.3	-	Computer generated death certificate of Mr.Ashraf Ali
Ex.P.4.		Computer generated legal heirship certificate of M.A.Ashraf Ali
Ex.P.5	06.06.2024	Original request letter dated 06.06.2024 addressed to the Manager, City Union Bank, Chennai – 600 001 requesting to furnish statement of account standing in the name of Ashraf Ali
Ex.P.6	16.04.2024	Original letter from City Union Bank, Chennai – 600 001 addressed to the 1 st petitioner stating that to claim the funds standing in the name of Ashraf Ali
Ex.P.7.	-	Certificate filed under Section 63(4) of BSA Act
Ex.P.8.	09.10.2025	Copy of paper publication effected in Tamil Daily 'Makkal Kural'

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ssd

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