



O.P. No.534 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. S. Bhavani W/o. Srinivasan
 2. S. Shanthi W/o. Mohana Velu
 3. S. Kathir Vel S/o. Late Shanmugam
 4. S. Rani Pazhani D/o. Late Shanmugam
 5. S. Vijayalakshmi W/o. Dharma Kumar
- D/o. Late Shanmugam

... Petitioners

vs.

S. Ganesan S/o. Late Shanmugam

.. Respondent

PRAYER: Original Petition is filed under Sections 300 and 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 and dividends on and negotiate and transfer the securities specified in the Schedule.

For Petitioners : Mr. M.E.V. Thulasi
For Respondent : Notice served - no appearance.



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ORDER

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This petition has been filed by the petitioners praying to grant Succession Certificate under Sections 300 and 372 of the Indian Succession Act read with Order XXV Rule 6 of the Original Side Rules.

2. According to the petitioners, they are son and daughters of deceased Mr. Shanmugam. The respondent is the brother of the petitioners. The deceased Shanmugam died on 14.12.2019 leaving the petitioners and the respondent behind him as surviving legal heirs and after the demise of the deceased, the petitioners and the respondent are the Class I Legal Heirs to succeed his estates. The wife of the deceased Muniyammal predeceased him on 26.04.2013. The deceased, during his lifetime, had maintained savings account in Indian Overseas Bank and Indian Bank and a sum of Rs.2,88,496/- was accrued with interest in the Savings Bank Account of Indian Overseas Bank in SB A/c No.010301000034353 and a sum of Rs.8,661/- was accrued in the account of Indian Bank in SB A/c No.467586173. Since the

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petitioners and the respondent are the only legal heirs of the assets and in

order to transfer the above said amount in their favour, the Succession Certificate is necessary to them. Therefore, they have filed this petition.

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.P14.

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.P14, they reveal that the petitioners and the respondent are the legal heirs of the deceased Shanmugam and during his lifetime, he had maintained savings bank account and thereafter, he died intestate, thereby, the petitioners and the respondent, being the surviving legal heirs, are entitled to the disbursement of proceeds. Despite notice, the respondent did not appear

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before this Court. There is no any rival claim against the petitioners.

Therefore, each petitioner is equily entitled to 1/5 share over the value of the proceeds. Therefore, they are entitled to the Succession Certificate.

5. In view of the same, this Original Petition is *allowed*. *The petitioners are each entitled to 1/5 share of the value of the assets and a direction for grant of Succession Certificate in favour of the petitioners with power to collect their 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.*

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Index : Yes/No

Speaking Order : Yes/No

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List of Petitioner side Witnesses:

PW1 : Mrs. Bhavani

List of Petitioner side Documents:

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Exhibit No.	Date	Description of Documents
Ex.P.1.	16.02.2024	Printout of the Death Certificate of Muniyammal.
Ex.P.2	23.12.2024	Photocopy of the Legal Heirship Certificate of Muniyammal.
Ex.P.3	02.01.2020	Printout of the Death Certificate of A. Shanmugam.
Ex.P.4.	11.10.2023	Photocopy of the Legal Heirship Certificate of A. Shanmugam.
Ex.P.5	-	Photocopy of the Aadhar Card of PW1.
Ex.P.6	-	Photocopy of the Aadhar Card of Santhi.
Ex.P.7.	-	Photocopy of the Aadhar Card of Kathirvel.
Ex.P.8.	-	Photocopy of the Aadhar Card of Palani.
Ex.P.9.	-	Photocopy of the Aadhar Card of Vijayalakshmi.
Ex.P.10	-	Bank Account Pass Book of Indian Overseas Bank.
Ex.P.11	-	Bank Account Pass Book of Indian bank.
Ex.P.12	24.02.2025	Copy of the paper publication issued in Tamil Daily 'Dhinanthi'.
Ex.P.13	08.07.2025	Copy of the paper publication issued in Tamil Daily 'Makkal Kural'.
Ex.P.14	24.02.2025	Copy of the paper publication issued in English Daily 'Business Standard'.



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