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O.P.No.438 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.438 of 2024

M.Sivakamasundari

...Petitioner

VS.

P.Gowthami

...Respondent

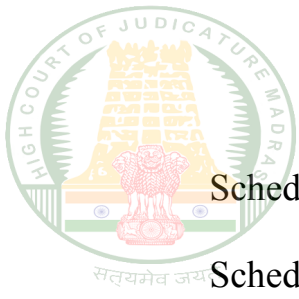
PRAYER: Original Petition filed under Section 372 of Indian Succession Act read with Order XXV Rule 6 of O.S.Rules, prays that a Succession certificate may please be granted to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the security specified in the schedule B hereto.

For Petitioner : Mr.R.Vasudevan

For Respondent : Served - No appearance

ORDER

The petitioner seeks Succession Certificate in respect of the securities held by Late Mr.Sivanandam Manickam, who died intestate on 17.10.2016. The petitioner is the mother of the deceased and the respondent is the wife of the deceased. Both the petitioner and the respondent are the only legal heirs of the deceased and hence the petitioner is entitled security as specified in



Schedule 'B' of the petition, viz., ½th share of the securities specified in
Schedule 'A' of the petition.

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2. The petitioner has been examined as PW1, she has produced 11 documents which are listed as Ex.P1 to Ex.P9 and Ex.C1 to Ex.C2 under the foot of the order. She has produced the photocopy of the death certificate of the deceased issued by the Municipal Corporation Greater Mumbai as Ex.P1. The legal heirship certificate of the deceased is marked as Ex.P4. A perusal of Ex.P4 clearly shows that the petitioner and the respondent are the only legal heirs of the deceased. The general paper publications has been effected and marked as Ex.C1 and Ex.C2, no objections were received for the same. The service of notice upon the respondent has been completed through substituted mode of paper publication which was allowed in A.No.6052 of 2024 *vide* the order dated 25.11.2024. In spite of the service being completed the respondent chose to keep herself away from the proceedings.

3. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.



4. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the petitioners, with the power to collect the debts and securities and receive the interest and dividends on and negotiate and transfer the security as specified in the Schedule 'B' to the petition.

24.06.2025

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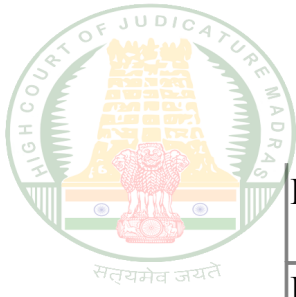
Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.M.Sivakamasundari

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Death Certificate of Sivanantham issued by Municipal Corporation Grater Mumbai dated 17.10.2016.
Ex.P2	Photocopy of the Cremation Certificate of Sivanantham issued by the Chennai Corporation dated 19.10.2016.
Ex.P3	Photocopy of the Death Certificate of deceased M.Sivanandam (Date of death 17.10.2016) issued by Govt. of Maharashtra dated 24.11.2016 (Original produced, compared and returned)
Ex.P4	Online Copy of the Legal Heirship of Sivanandham Certificate No.TN720220726943 dated 11.08.2022.
Ex.P5	Downloaded copy of the ICICI Bank demat services which is a computer generated certificate dated 06.02.2024.
Ex.P6	Online copy of the TFID slip issued by the ICICI Bank.
Ex.P7	Photocopy of the order copy in Criminal OP.No.6210/2019 in CC.No.4475/2018 filed by XVIIIth MM Court, Saidapet dated 29.04.2022.



WEB COPY

O.P.No.438 of



Ex.P8	Photocopy of the Pan card of deceased N.Sivanandam.(Original produced, compared and returned.)
Ex.P9	Photocopy of the Aadhaar card of the petitioner.(Original produced, compared and returned.)
Ex.C1	Original English paper publication in “The Economic Times” dated 13.03.2025.
Ex.C2	Original Tamil paper publication in “Dinamalar” dated 13.03.2025.

24.06.2025

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