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O.P.No.118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.04.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.118 of 2024

R.Govinda Prasad

R.V.Prabhavathy

... Petitioners

Vs

1. J.Santha

2. Latha Prakash Babu

... Respondents

PRAYER: Original Petition file for Succession Certificate under Section 372 of the Indian Succession Act, 1925 read with under Order XXV Rule 6 of Original Side Rules, prays to grant a Succession Certificate to the petitioners herein with the power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto and pass such further order .

For Petitioner : Mr.B.Balachander

For Respondents : No Appearance.



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ORDER

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2. The first petitioner has been examined as PW1. He has produced the computer generated death certificates of the deceased Late.R.V.Prakash, his wife Late.Mrs.Geetha, his daughter Late.Ms.Sharmila and his son Late.Mr.Kishore Kumar as Ex.P18, Ex.P17, Ex.P19 and Ex.P20. The legal heirship certificates of the deceased as Ex.P2 and his son as Ex.P4. The photocopy of the letter dated 09.03.2018 sent by Tahsildar, Perambur Taluk regarding the legal heirship certificate has been marked as Ex.P12. The service of notice upon the respondents were completed through the substituted service by paper publication which was allowed under the order dated 18.06.2024 in the Application No.2778 of 2024. In spite of the substituted service being completed, the respondents had chosen to keep themselves away from the proceedings. A perusal of Ex.P12 clearly shows that both the petitioners are acknowledged as the second class legal heirs of the deceased as all the immediate legal heirs of the deceased have already died. A paper publication has been made which is marked as Ex.P23 and no objections have been received for the same.

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



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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 securities and receive the interest and dividends on and negotiate and transfer the securities mentioned in the schedule to the petition.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



Petitioner's witness:

P.W.1 – Mr.R.Govinda Prasad

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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the Aadhaar card of the first petitioner.
Ex.P2	The photocopy of the Aadhaar Card of the second petitioner.
Ex.P3	The photocopy of the marriage invitation card of the second petitioner.
Ex.P4	The original death report of Mrs.Geetha dated 25.10.2017.
Ex.P5	The original death report of Mrs.Sharmila dated 25.10.2017
Ex.P6	The original death report of Mr.Kishorekumar dated 25.10.2017
Ex.P7	The original death report of Mr.R.V.Prakash dated 26.10.2017
Ex.P8	The office copy of the letter given by the petitioners dated 21.04.2018 to the Manager, LIC of India, Chennai-7.
Ex.P9	The original letter dated 20.07.2018 received from Southern Railway, Podanur addressed to the petitioners herein asking for the succession certificate for releasing the Settlement dues of late Mr.R.V.Prakash.
Ex.P10	Photocopy of the marriage invitation card of the first petitioner.
Ex.P11	Photocopy of the letter dated 13.11.2017 sent by The Railway Employees Co-operative Credit Society Ltd, Chennai 600 003 addressed to the 1 st petitioner
Ex.P12	The photocopy of the letter dated 09.03.2018 sent by the Tahsildar, Perambur Taluk addressed to the petitioners.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P13	The photocopy of the letter dated 21.04.2018 sent by the 1 st and the 2 nd petitioner to Indian Oil Corporation, Teynampet, Chennai 600 018.
Ex.P14	The photocopy of the letter dated 30.04.2018 sent by the Indian Oil Corporation, Teynampet, Chennai 600 018 addressed to the petitioners.
Ex.P15	The photocopy of the letter dated 30.10.2019 sent by the previous counsel of the petitioner to LIC of India, Purasaiwalkam, Chennai 600 007.
Ex.P16	The photocopy of the letter sent by LIC of India, Purasaiwalkam, Chennai 600 007 to the pervious counsel of the petitioner.
Ex.P17	The computer generated death certificate of Ms.Geetha.
Ex.P18	The computer generated death certificate of Mr.Prakash.
Ex.P19	The computer generated death certificate of Ms.Sharmila.
Ex.P20	The computer generated death certificate of Mr.Kishore Kumar.
Ex.P21	The computer generated death certificate of Mr.M.Ramasamy.
Ex.P22	The certificate under Section 65 B of the Indian Evidence Act 1872.
Ex.P23	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 05.07.2024.

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