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O.P.No.346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.02.2025**

CORAM

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

O.P.No.346 of 2023

1.Mrs.Shobana Rajendran
2.Mr.V.s.Aravindakshan
3.Ms.Nirupama
4.Mrs.Vasudha Sondhi ... Petitioners
vs.

1.Mrs.Sindhuja
2.Mr.Sriram ... Respondents

PRAYER: Original Petition filed for Succession Certificate under Part X Section 372 of the Indian Succession Act, 1925 XXXIX of 1925 and under Order XXV Rule 6 of the High Court Original Side Rules prays to grant a Succession Certificate to the petitioners with the power to collect those debts and to receive interests more specifically described in the Schedule B annexed hereunder and pass such further order.

For Petitioner : Mr.P.Esakki Durai

For Respondents : Mr.S.Gopalakrishnan for R1

Ms.Arthi Fernando



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ORDER

The petitioner seeks Succession Certificate in respect of the securities held by Late.S.Rajagopal and Chellammal Santha, who died intestate on 08.11.2018 and 01.10.2020 respectively. Late.S.Rajagopal and Chellammal Santha died without any issues. The petitioners are the three daughters and a son of predeceased sister of deceased S.Rajagopal. The respondents are children of the predeceased brother of deceased S.Rajagopal. After the demise of S.Rajagopal, the properties devolved upon his wife Chellammal Santha. The Chellammal Santha also died intestate. Therefore, the properties devolved upon the heirs of her husband Rajagopal. Hence, the petitioners and the respondents are only the surviving legal heirs of the deceased persons.

2. The second petitioner has been examined as PW1. He has produced the death certificates of the deceased persons as Ex.P1 and Ex.P3. The death certificates of the predeceased siblings of the deceased Rajagopal as Ex.P4 and Ex.P5. The legal heir certificate of the deceased Rajagopal as Ex.P2. The legal heir certificate of predeceased sister of Rajagopal as Ex.P15. On perusal of Ex.P2, it shows that his wife alone is his legal heir. On perusal of



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Ex.P15, it shows that the petitioners and their father are the surviving legal heirs of the predeceased sister of the deceased Rajagopal. The second respondent has been examined as RW1 and marked his consent affidavit as Ex.R1. The first respondent has been examined as RW2 and marked his consent affidavit as Ex.R2. A paper publication has been made and marked as Ex.P16 wherein it is stated that the petitioners and respondents are the surviving legal heirs of the deceased persons. Objections have not been received from any person. The petitioners and the respondents are the only surviving legal heir of the deceased persons.

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, in respect of the securities mentioned in the schedule to the petition.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

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Petitioner's witness:

P.W.1 — Mr.V.S.Aravindakshan

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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.S.Rajagopal
Ex.P2	Computer generated legal heir certificate of Mr.S.Rajagopal
Ex.P3	Computer generated death certificate of Mrs.Chellammal
Ex.P4	Computer generated death certificate of Cho.S.Ramaswamy
Ex.P5	Computer generated death certificate of Mrs.Vijaya Subramanian
Ex.P6	Original request letter dated 15.09.2022 sent by PW-1 to the Manager, Union Bank of India, Valasaravakkam branch
Ex.P7	Original reply letter dated 16.09.2022 for Ex.P6 given by Union Bank of India, Valasaravakkam branch asking PW-1 to produce legal heir certificate of Mr.S.Rajagopal and Mrs.Chellammal Santha
Ex.P8	Original request letter dated 15.09.2022 sent by PW-1 to the Manager, City Union Bank, Valasaravakkam Branch
Ex.P9	Original reply letter dated 16.09.2022 for Ex.P8 given by City Union Bank Ltd., Valasaravakkam branch asking PW-1 to produce death certificate and legal heir certificate of Mr.S.Rajagopal
Ex.P10	Original request letter dated 15.09.2022 sent by PW-1 to the Manager, ICICI Bank, Valasaravakkam branch
Ex.P11	Online printout of track consignment for Ex.P10
Ex.P12	Original letter dated 15.09.2022 sent by PW-1 to the Manager, Axis Bank, Virugambakkam Branch.
Ex.P13	Online printout of track consignment for Ex.P12.
Ex.P14	Original letter dated 15.09.2022 sent by PW-1 to the Manager, Union Bank of India, Valasaravakkam branch.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P15	Computer generated legal heir certificate of Mrs.Vijaya Subramanian
Ex.P16	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 20.09.2023.
Ex.P17	Copy of family tree of Mr.s.Rajagopal
Ex.P18	Certificate under Section 65B of the Indian Evidence Act, 1872

Respondent's witness:-

R.W.1 – Mr.Sriram

R.W.2 – Smt.Sindhuja

Documents exhibited by the Respondents:

<i>Exhibits</i>	<i>Documents</i>
Ex.R1	RW-1 Consent affidavit
Ex.R2	RW-2 Consent affidavit

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