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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.08.2025**

CORAM

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

O.P.No.506 of 2024

1.C.Krishna Prasad
2.C.Purushothaman …Petitioners

vs.

C.SreeValli ...Respondent

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV, Rule 6 of the Original Side Rules, praying to grant Succession Certificate with power to collect debts and to receive interest and dividends on any other specified in Schedule B hereto.

For Petitioner : Mr.S.M.Vivekanandh

For Respondent : Set *ex parte*

ORDER

The petitioners seek Succession Certificate in respect of the securities mentioned in the Schedule 'B' of the petition which are held by Mr.C.Prabhakar, who died intestate on 28.03.2017. The petitioners and the sole respondent are the

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children of the deceased.

2. The petitioners submit that the above said deceased got married to one Mrs.C.Savithiri and the couple had begotten the petitioners 1 and 2 along with the respondent as their children in the duration of their marriage. The petitioners further submit that their mother and the wife of the deceased had predeceased him on 21.12.1994, leaving behind the petitioners 1 and 2 along with the respondent as the sole legal heirs of the deceased. Therefore the petitioners submit that they are entitled to the 2/3rd of the share of the debts held by the deceased as specified in the Schedule 'B' of the petition.

3. The first petitioner has been examined as PW1, he has produced 5 documents to support his deposition which are listed as Ex.P1 to Ex.P5 at the foot of the order. The online copy of the death certificate of the decased has been marked as Ex.P1. The photocopy of the legal heirship certificate of the deceased has been marked as Ex.P2. The photocopy of the aadhar card of the 1st petitioner has been marked as Ex.P4. The perusal of Ex.P2 unequivocally proves that the petitioners 1 and 2 along with the respondent are the only legal heirs of the deceased and substantiates the claims made in the petition. The general paper publications have been made and no objections have been received.

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4. The service of notice upon the sole respondent has been completed through a substituted mode of paper publication as ordered in the Application No.102 of 2025 vide order dated 07.01.2025. Inspite of the service being being completed the respondent chose to keep herself away from the proceedings. Therefore the sole respondent was set *ex-parte* vide order dated 01.07.2025.

5. 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.

6. 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 to receive the interest and dividends mentioned in the Schedule 'B' to the petition

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Index :Yes/No

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Petitioners' witness:

P.W.1 – Mr.C.Krishna Prasad

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Online copy of the death certificate of the deceased Mr.C.Prabhakar dated 22.08.2017.
Ex.P2	Photocopy of the legal heir certificate of deceased Mr.C.Prabhakar dated 29.12.2017.
Ex.P3	Photocopy of the ration card of the deceased Mr.C.Prabhakar.
Ex.P4	Photocopy of the Aadhar Card of the petitioner C.Krishna Prasad (Original produced, compared and returned)
Ex.P5	Photocopy of the Pan Card of the petitioner C.Krishna Prasad (Original produced, compared and returned)

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