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O.P.No.843 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.07.2025**

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

O.P.No.843 of 2024

1.S.Mythili
2.G.Chandrasekar
3.Usha Sundar
4.L.Sivakumar
5.S.Siddharthan

...Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act read with Order XXV Rule 6 of O.S. Rules, under Part X of the Indian Succession Act, praying that a Succession Certificate may be granted to the petitioners with a power to collect the debts and to receive the interest and dividends on and negotiate and transfer the debts specified in the schedule hereto and pass such further or other orders as the Hon'ble Court may deem fit and proper for the facts and circumstances of the case and thus render justice.

For Petitioners : Mr.B.Pachaiyappan

ORDER

The petitioners seek Succession Certificate in respect of the debts held by Mr.M.S.Gopal, who died intestate on 12.08.2014. The petitioners 1 to 3 are the legal heirs of the deceased and the petitioners 4 and 5 are the legal heirs of Mrs.Sabitha who is the deceased daughter of Late Mr.M.S.Gopal.



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2. The petitioners submit that the deceased got married to one Mrs.Radha who predeceased him on 07.02.2005, the couple was blessed with the petitioner 1 to 3 and one Mrs.Sabitha as their children. The petitioners further submit that Mrs.Sabitha who is one of the daughters of the deceased died on 16.06.2023 and her legal heirs are impleaded as petitioners 4 and 5. The petitioner contends that as the legal heirs of the deceased the petitioners 1 to 3 are entitled to 1/4th share each and as the legal heirs of Late.Mrs.Sabitha, the petitioners 4 and 5 are jointly entitled to 1/4th share, from the debts mentioned in the schedule.

3. The fourth petitioner has been examined as PW1, he has produced 11 documents to support his deposition which are listed as Ex.P1 to Ex.P9 and Ex.C1 to Ex.C2. The online copy of the legal heirship certificates of the deceased and Late.Mrs.Sabitha, the daughter of the deceased has been marked as Ex.P1 and Ex.P4 respectively. The online copy of the death certificates of the deceased and the daughter of the deceased has been marked as Ex.P5 and Ex.P3 respectively. A perusal of the Ex.P1 clearly proves that the petitioners 1 to 3 as the legal heirs of the deceased are entitled to 1/4th share each from the debts mentioned in the schedule. Upon the due examination of Ex.P4 clearly proves that the petitioners 4 and 5 as the legal



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heirs Late.Mrs.Sabitha who is the deceased daughter of Late Mr.M.S.Gopal and consequently they are jointly entitled to 1/4th share in the debts mentioned in the schedule. The general paper publications had been effected which are marked as Ex.C1 and Ex.C2 and any objections had not been received for the same.

4. 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.

5. In view of the above evidence, the Original Petition is allowed granting Succession Certificate of 1/4th share each to petitioners 1 to 3 and 1/4th share jointly to petitioners 4 and 5, with the power to collect the debts and to receive the interest and dividends on and negotiate and transfer the debts mentioned in the schedule to the petition.

29.07.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 – Mr.L.Sivakumar



Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Legal Heir certificate of deceased Mr.M.S.Gopal dated 12.11.2024.(Original produced, compared and returned)
Ex.P2	Photocopy of Letter No.282337800078/1871324/A1 issued by Central Pension Accounting Office dated 07.12.2015.
Ex.P3	Online copy of the Death Certificate of Late.Sabitha.S dated 06.07.2023.
Ex.P4	Online copy of the Legal Heir Certificate of Late.Sabitha.S dated 22.07.2023.
Ex.P5	Online copy of the Death Certificate (Date of death 12.08.2014) of deceased Mr.M.S.Gopal dated 30.10.2023.
Ex.P6	Online copy of the Death Certificate (Date of death 07.02.2005) of Late Mrs.Radha dated 30.10.2023.
Ex.P7	Photocopy of the Letter given by the 1 st petitioner dated 13.08.2024.(Original produced, compared and returned)
Ex.P8	Photocopy of the Letter No.PAO/IRLA/I & B/ARREAR/2068/2024-25/975 issued by Ministry of Information and Broadcasting, Office of Chief Controller of Accounts Pay and Accounts Officer (IRLA) dated 06.09.2024.(Original produced, compared and returned)
Ex.P9	Photocopy of the Deceased Mr.M.S.Gopal Ration Card.
Ex.C1	Paper Publication in Tamil paper “Makkal Kural” dated 07.03.2025.
Ex.C2	Paper Publication in English Paper “Trinity Mirror” dated 14.03.2025.

29.07.2025

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