



O.P.No.233 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.08.2025**

CORAM

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

O.P.No.233 of 2025

1.J.Devi
2.V.P.Sarika (Minor 15 Years)
3.V.P.Karthic Ragava (Minor 10 Years)
S/o.V.Parthiban, Both Minors
Represented by their mother J.Devi
and natural guardian

...Petitioners

PRAYER: Original Petition filed under Part-I Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of O.S. Rules, prays that a Succession Certificate may be granted to the petitioner no.1 with power to collect the debts and receive the interest specified in the schedule hereto.

For Petitioners : Mr.J.Kamaraj

ORDER

The petitioners seek Succession Certificate in favour of 1st petitioner, in respect of the securities held by Mr.V.Parthiban, who died intestate on 28.07.2024. The petitioners 1 to 3 are the legal heirs of the deceased.



2. The 1st petitioner is the wife of the deceased, whereas the

2nd and 3rd petitioners are children of the deceased. The 2nd and 3rd petitioners are minors who are represented by the natural guardian their mother, the 1st petitioner herein. The petitioner submits that the petitioners 1 to 3 are the sole legal heirs of the deceased as both the parents of the deceased had already predeceased him. Hence the petitioners contend that as the sole legal heirs of the deceased they are equally entitled to the securities held by the deceased as listed under schedule of the petition. The 1st petitioner has undertaken to deposit both minors, the 2nd and 3rd petitioner's shares in any Nationalized Banks in their names until they attain the age of majority.

3. The 1st petitioner has been examined as PW1. She has produced 13 Documents to support her deposition which are listed as Ex.P1 to Ex.P13 at the foot of the order. The photocopy of the marriage registration certificate dated 23.12.2011 has been marked as Ex.P2. The computer generated copy of the death certificate and the legal heirship certificate of the deceased have been marked as Ex.P5 and Ex.P6 respectively. The computer generated birth certificates of the 2nd and 3rd petitioners are marked as Ex.P3 and Ex.P4, respectively. The perusal of



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Ex.P6 clearly shows that the petitioners 1 to 3 are the sole legal heirs of the deceased. Upon the perusal of Ex.P3 and Ex.P4, clearly shows that the 2nd petitioner was born on 03.10.2009 and the 3rd petitioner was born on 05.12.2014, thereby proving them both to be minors. The general paper publication has been effected and is marked as Ex.P12, no objections have 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 1st petitioner is entitled to the relief.

5. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the 1st petitioner, with the power to collect the debts and receive the interest specified in the schedule to the petition.

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mrs.J.Devi

Documents exhibited by the petitioners:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original marriage invitation dated 10.11.2008.
Ex.P2	Photocopy of the marriage registration certificate dated 23.12.2011.
Ex.P3	Computer generated copy of the birth certificate of the 2 nd petitioner, V.P.Sarika who born on 03.10.2009.
Ex.P4	Computer generated copy of the birth certificate of the 3 rd petitioner, V.P.Karthic Ragava who born on 05.12.2014.
Ex.P5	Computer generated copy of the death certificate of Mr.Parthiban who died on 28.07.2024.
Ex.P6	Computer generated copy of the legal heir certificate of Mr.Parthiban V issued on 06.10.2024.
Ex.P7	Photocopy of the 1 st page of the bank passbook of Mr.Parthiban V.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Photocopy of the form of inventory of safe deposit locker dated 30.10.2024.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P9	Photocopy of the Aadhaar card of the deceased V.Parthiban.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P10	Photocopy of the Aadhaar card of the 1 st petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P11	Photocopy of the Aadhaar card of the 2 nd petitioner.(Original is produced, compared and returned to the petitioner's counsel)
Ex.P12	One issue of paper publication effected in Tamil Daily “Makkal Kural” dated 08.07.2025.
Ex.P13	Certificate under Section 65 B of Indian Evidence Act.

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