



O.P.No.593 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

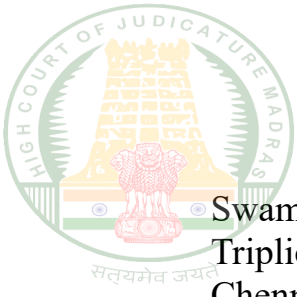
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CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

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1. K.Perumal
S/o. Kannan,
Plot No.13,
S R Garden, 6th Street,
Revathipuram, Iyyancherry,
Urapakkam,
Kanchepuram 603210.
2. S.Prema
W/o. Sreedharan,
D/o. P.Kannan,
Old No.1/2, New No.3,
East Mada Veethi,
Kolathur, Chennai 600 099.
3. K.Kumaran
S/o. Kannan,
New No.27 Old No.11,
2nd Floor, MJB Street,
Triplicane,
Chennai 600 005.
4. K.Ponamnambalam
S/o. Kannan,
335A, Mohanram Nagar,
4th Cross Street,
Mogappair East,
Chennai 600 005.
5. K.Anbu
S/o. Kannan,
Old No.34, New No.8,



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Swami Pilai Street,
Triplicane,
Chennai 600 005.

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6. R.Eswari
C/o. Ramaswamy,
D/o. Kannan,
No.2, 1st Street,
Iyappa Nagar Duraiswamy Garden,
Nanganallur,
Kanchepuram 600 061.

..Petitioner(s)

Vs

No Respondent
Nil

..Respondent(s)

PRAYER: that a Succession Certificate may be granted to these Petitioners with power to collect the debts from the respective bank Accounts and to receive the interest and dividends there on and negotiate and transfer the debts specified in the schedule hereto and pass other suitable orders as this Court may deem fit and proper on the facts and circumstances of the case and thus render justice.

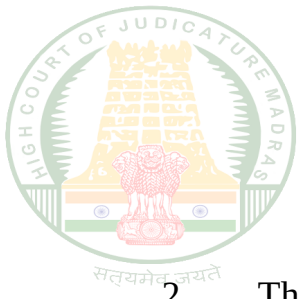
For Petitioner(s): Ms.P.K.Deepa Divyavarthini
M.Praveen
Bakiya Lakshmi.M
Tamil Selvan

For Respondent(s): Nil

ORDER

Heard.

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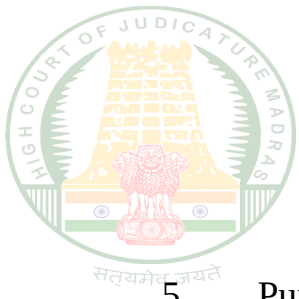
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2. This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Original Side Rules, for grant of succession certificate in favour of the petitioners in respect of the debts and deposits standing in the names of late Mr.Radhakrishnan and late Mrs.Leelavathy.

3. The petitioners are the brothers and sisters of late Mr.Radhakrishnan. The case of the petitioners is that Mr.Radhakrishnan and his wife Mrs.Leelavathy died intestate on 16.05.2021 and without leaving any issue. The petitioners seek succession certificate for collecting the amounts lying in the bank and post office accounts mentioned in the schedule to the petition.

4. By order dated 06.04.2026, this Court noticed that both Mr.Radhakrishnan and Mrs.Leelavathy were stated to have died on 16.05.2021 and that there was no clear pleading as to who died first. This Court also directed the petitioners to file an additional affidavit clarifying the said aspect, having regard to Section 21 of the Hindu Succession Act, 1956.



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5. Pursuant to the said order, the first petitioner has filed an additional affidavit.

In the said affidavit, it is stated that on 16.05.2021, on receipt of information that foul smell was emanating from the residence of the deceased, the relatives went to the house; that the body of Mrs.Leelavathy was found in a decomposed condition; that Mr.Radhakrishnan was then alive, but in a weak condition; that he was taken to Rajiv Gandhi Government General Hospital by ambulance; and that he died later in the evening on the same day. FIRs and post-mortem reports have also been filed along with the additional affidavit.

6. The brother and mother of late Mrs.Leelavathy have also filed affidavits. They have stated that Mrs.Leelavathy was found dead in the house and that Mr.Radhakrishnan was alive at that time and was taken to hospital, where he died later. They have also stated that they have no objection for grant of succession certificate in favour of the petitioners.

7. On the above materials, the doubt earlier raised by this Court stands clarified. This is not a case where it is impossible to ascertain the order of deaths so as to apply the presumption under Section 21 of the Hindu Succession Act. The



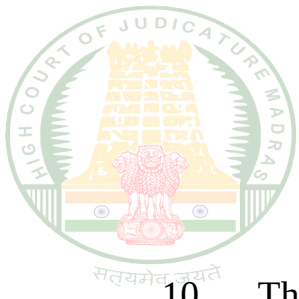
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material now placed before this Court shows that Mrs.Leelavathy died earlier and that her husband Mr.Radhakrishnan survived her, though only for a short time.

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8. Therefore, in respect of the estate of Mrs.Leelavathy, the succession would first open in favour of her husband Mr.Radhakrishnan under Section 15(1)(a) read with Section 16 of the Hindu Succession Act, 1956, she having died without leaving any son or daughter. Thereafter, on the death of Mr.Radhakrishnan, who also died intestate and without issue, the estate devolves on his Class II heirs. The petitioners, being the brothers and sisters of Mr.Radhakrishnan, are entitled to seek succession certificate.

9. The first petitioner was examined as P.W.1 before the learned Master. Exs.P1 to P27 have been marked. Exs.P1 and P2 are the death certificates of Mr.Radhakrishnan and Mrs.Leelavathy. Exs.P3 and P4 are the legal heirship certificates. Exs.P5 to P26 are the bank and post office records relating to the debts and deposits. Ex.P27 is the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 13.01.2026. The learned Master has recorded that general paper publication was effected and that no objection was received. The Registry has also noted that succession duty has been paid.



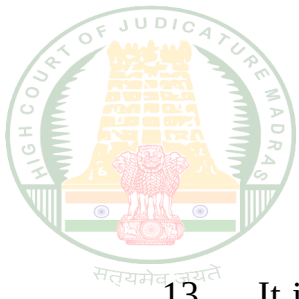
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10. The total value of the debts and deposits in respect of which succession certificate is sought is Rs.24,41,629.46/-. The petitioners have also stated that no other application for succession certificate or for probate or letters of administration in respect of the estate of the deceased has been filed.

11. On consideration of the petition, proof affidavit, oral evidence of P.W.1, Exs.P1 to P27, the additional affidavit filed by the first petitioner, the supporting affidavits filed by the mother and brother of late Mrs.Leelavathy, and in the absence of any objection, this Court is satisfied that the petitioners have made out a case for grant of succession certificate.

12. Accordingly, this Original Petition is ordered. Succession Certificate shall be issued in favour of the petitioners in respect of the debts and deposits described in the schedule to the petition, for a total value of Rs.24,41,629.46/-, with power to collect the said debts and deposits and to receive the interest and other accretions thereon, subject to the petitioners complying with the usual formalities, including execution of bond, if required, and payment of any further duty or charges as may be payable.



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13. It is made clear that the grant of succession certificate is only for collection of the debts and securities mentioned in the schedule and shall not, by itself, decide any question of title, if any such dispute is raised by any person in appropriate proceedings. No order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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List of Witnesses examined on the side of the Petitioner:

PW1 – Mr.Perumal

List of Documents marked on the side of the Petitioner:

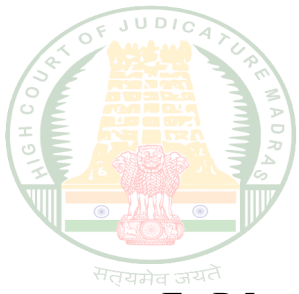
Ex.P.1 – Computer generated death certificate of Mr.Radhakrishnan K along with certificate under section 63 (4) (c) of BSA.

Ex.P.2 - Computer generated death certificate of Mrs.Leelavathy along with certificate under section 63 (4) (c) of BSA.

Ex.P.3 - Computer generated legal heirship certificate of Mr.Radhakrishnan K along with certificate under section 63 (4) (c) of BSA.

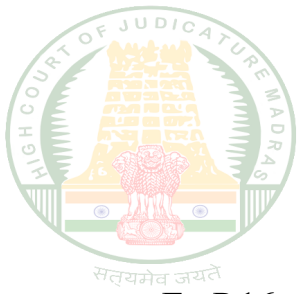
Ex.P.4 - Computer generated legal heirship certificate of Mrs.Leelavathy along with certificate under section 63 (4) (c) of BSA.

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- Ex.P.5 – photocopy of the receipt bearing No.110926 of Mr.Radhakrishnan and Mrs.Leelavathy issued by Lakshmi Vilas Bank (compared with the original)
- Ex.P.6 – photocopy of the pass book bearing No.04353000039729 of Mr.Radhakrishnan K, issued by Lakshmi Vilas Bank, Triplicane Branch (compared with the original)
- Ex.P.7 -photocopy of the pass book bearing No.1037331807 of Mrs.Leelavathy, issued by Central Bank of India (compared with the original)
- Ex.P.8 – photocopy of the pass book bearing No.0435301000039731 of Mrs.Leelavathy R, issued by Lakshmi Vilas Bank, Triplicane Branch (now post of DBS Bank) (compared with the original)
- Ex.P.9- photocopy of the saving bank pass book bearing No.3130055285 of Mrs.leelavathy issued by department of posts Tiruvallikeni PO (compared with the original)
- Ex.P.10 – photocopy of the national (small) savings schemes bank pass book bearing No.4952214546 of Mrs.Leelavathy issued by department of posts Tiruvallikeni PO (compared with the original)
- Ex.P.11 – photocopy of the saving bank pass book bearing No.4993518320 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)
- Ex.P.12 –photocopy of the saving bank pass book bearing No.4993586077 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)
- Ex.P.13 - photocopy of the saving bank pass book bearing No.4977197039 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)
- Ex.P.14 - photocopy of the saving bank pass book bearing No.4977186170 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)
- Ex.P.15 - photocopy of the saving bank pass book bearing No.4977175617 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)



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Ex.P.16 - photocopy of the saving bank pass book bearing No.4977161221 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.17 - photocopy of the saving bank pass book bearing No.020009044628 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.18 - photocopy of the saving bank pass book bearing No.020009041316 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.19 - photocopy of the saving bank pass book bearing No.020009042671 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.20 - photocopy of the saving bank pass book bearing No.020009043043 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

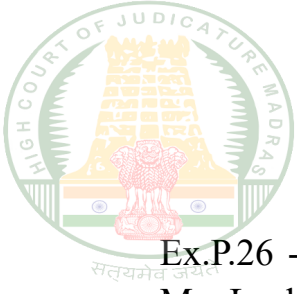
Ex.P.21 - photocopy of the saving bank pass book bearing No.020009031327 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.22 - photocopy of the saving bank pass book bearing No.020009033261 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.23 - photocopy of the saving bank pass book bearing No.020009031889 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.24 - photocopy of the saving bank pass book bearing No.020009044857 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.25 - photocopy of the saving bank pass book bearing No.020009045011 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)



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Ex.P.26 - photocopy of the saving bank pass book bearing No.020009044768 of Mrs.Leelavathy issued by department of Posts Tiruvallikeni PO (compared with the original)

Ex.P.27 – copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 13.01.2026.

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DR.A.D.MARIA CLETE, J.

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