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OP No. 597 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

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

OP No. 597 of 2025

1. V.P.K.BHASKAR
2. K.Nirmala
3. N.Latha
4. Geetha Rajesh
5. V.Bhavani
6. V.Anandha Kumar
7. Aarthi Lakshmi
8. Abirami Dhevi

..Petitioner(s)

Original Petition has been filed under Section 372 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of O.S.Rules praying that a Succession Certificate may be granted to the 1st petitioner (a) with power to collect the debts, securities and to receive interest, dividends thereon, bonus shares and (b) negotiate and transfer the securities specified in the schedule together with Bonus Shares hereto. Net amount of Rs.23,51,539.70 Suc duty of Rs.25,000/- D.No.41689/25 dated 30.10.2025

For Petitioner(s): M/s.T.V.Venkataraman



ORDER

WEB COPY 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, seeking grant of a Succession Certificate in respect of the debts and securities left by late V.P.Kandasamy, who died intestate, and also seeking revocation under Section 383(d) of the Succession Certificate earlier issued in O.P.No.754 of 2018. The petitioners 1 to 4 are the children of the deceased V.P.Kandasamy, and petitioners 5 to 8 are the widow and children of his deceased son V.P.K.Velaydam.

2. The case of the petitioners, is that late V.P.Kandasamy ordinarily resided at No.109, G.A.Road, Chennai-600021 died on 07.04.1993 at Apollo Hospital, Grems Lane, Chennai leaving intestate; and that despite due and diligent search no Will was found. It is further stated that his wife, Smt.K.Navamani, who was also a Class-I heir, later died on 18.02.2022, and that his son V.P.K.Velaydam, another Class-I heir, died on 31.12.2023.

3. The petitioners have also stated that petitioners 1 to 4, being the surviving children of V.P.Kandasamy, are each entitled to one-fifth share in the estate, and that petitioners 5 to 8, being the legal heirs of the deceased son V.P.K.Velaydam, are together entitled to the remaining one-fifth share.



Petitioners 2 to 8 have filed consent affidavits consenting to issuance of the Succession Certificate in the name of the first petitioner, V.P.K.Bhaskar. The consent affidavit of the sixth petitioner, Anandhakumar.V, specifically affirms that he has no objection to the certificate being issued in the name of the first petitioner.

4. The debts and securities for which the certificate is sought are clearly set out in the schedule to the petition. They consist of: (i) the balance in Savings Bank Account No.008100050172067 with Tamilnadu Mercantile Bank Ltd., Chennai-600021, shown as Rs.3,86,539.70 as on 30.12.2024 together with further accruals; and (ii) 2,000 equity shares of HDFC Bank Ltd., Mumbai-400013, covered by share certificate No.000002988 with distinctive numbers 0005127961 to 0005129960, the market value whereof is shown as Rs.19,65,000/- as on 08.10.2025 at Rs.982.50 per share. The total approximate value is shown as Rs.23,51,539.70.

5. The materials on record further show that an earlier application in O.P.No.754 of 2018 had been filed by Smt.K.Navamani, the wife of the deceased, on 27.06.2018, and that a Succession Certificate was granted to her on 07.03.2019 empowering her to collect the debts and deal with the securities. The original Succession Certificate issued in O.P.No.754 of 2018 has been produced as Ex.P9 and has been surrendered before this Court. The petitioners



have specifically pleaded that before the said certificate could be acted upon, Smt.K.Navamani died on 18.02.2022, and that the certificate has therefore become useless and inoperative through subsequent circumstances. They have also pointed out that V.P.K.Velaydam, who had figured in the earlier proceedings, also died on 31.12.2023. These facts, in the court view, squarely attract Section 383(d) of the Indian Succession Act.

6. Publication was effected in Tamil daily “Dina Malar” dated 08.01.2026. On 05.02.2026, the learned Master recorded that affidavit of service had been filed, that service by way of paper publication had been completed, and that despite call in open Court no objection had been raised by any party. On 26.02.2026, P.W.1 V.P.K.Bhaskar was examined and Exs.P1 to P11 were marked.

7. The death certificate of V.P.Kandasamy shows that he died on 07.04.1993. The death certificate of K.Navamani shows that she died on 18.02.2022. The legal heirship certificate of K.Navamani shows her surviving heirs as V.P.K.Bhaskar, V.P.K.Velaydam, K.Nirmala, N.Latha and R.Geetha. The death certificate of V.P.K.Velaydam shows that he died on 31.12.2023. The legal heirship certificate of V.P.K.Velaydam shows his surviving heirs as Bhavani V.E., Anandha Kumar V., Aarthi Lakshmi V. and Abirami Dhevi, and also notes the predeceased legal heirs as V.P.Kandasamy and K.Navamani.



These documents collectively establish the succession set up by the petitioners.

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8. There is also a clear assertion in the petition that no application has been made to any District Court, delegate or High Court for probate of any Will or for Letters of Administration in respect of the estate of the deceased, and that there is no impediment under Section 370 of the Indian Succession Act or under any other provision of law for grant of the certificate. Further, there is no contesting respondent, no caveat, and no objection even after publication. The evidence adduced by P.W.1 has remained uncontroverted.

9. On an overall consideration of the pleadings, documentary evidence, publication, consent affidavits, and the prior certificate produced and surrendered, this Court is satisfied that: the petitioners have established the death of V.P.Kandasamy intestate; they have established the chain of legal heirship after the subsequent deaths of Smt.K.Navamani and V.P.K.Velaydam; the debts and securities in question stand proved; the earlier Succession Certificate issued in O.P.No.754 of 2018 has become useless and inoperative through supervening circumstances within the meaning of Section 383(d); and the first petitioner is entitled to have the fresh Succession Certificate issued in his name, all other petitioners having given consent.

10. In the result, this Original Petition is allowed. The Succession



Certificate issued in O.P.No.754 of 2018 in favour of Smt.K.Navamani is revoked under Section 383(d) of the Indian Succession Act, 1925, as the same has become useless and inoperative through subsequent circumstances. There shall be a Succession Certificate in favour of the first petitioner as prayed for.

11. In the result, this Original Petition is allowed. The first petitioner is entitled to the value of the petition-mentioned assets and a direction for grant of Succession Certificate in favour of the first petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and for terminal benefits, if any, specified in the Schedule, as applicable till the date of withdrawal, is issued.

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Index: Yes/No
Speaking/Non-speaking order
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Petitioner's witness:

P.W.1 – Mr.V.P.K.Bhaskar

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.V.P.Kandasamy
Ex.P2	Photocopy of the legal heirship certificate of Mr.V.P.Kandaswamy (compared with the original)
Ex.P3	Computer generated death certificate of Mrs.K.Navamani.
Ex.P4	Computer generated legal heirship certificate of Mrs.K.Navamani.
Ex.P5	Computer generated death certificate of Mr.Velaydam V.P.K.
Ex.P6	Computer generated legal heirship certificate of Mr.Velaydam V.P.K.
Ex.P7	Photocopy of the share certificate bearing No.000002988 of Mr.Kandasamy V.P. issued by HDFC Bank Limited (Compared with the original)
Ex.P8	Statement for the account No.008100050172067 of Mr.Kandasamy V.P. issued by Tamil Nadu Mercantile Bank Limited.
Ex.P9	Original Succession certificate issued in OP.No.754 of 2018
Ex.P10	Copy of the paper publication effected in one issue of Tamil Daily “Dina Malar” dated 08.01.2026.



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Ex.P11

Certificate under Section 63 (4) (C) of BSA

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