

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 30TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.710 of 2019

In the matter of Indian Succession Act  
XXXIX of 1925

and

In the matter of the debts of Late  
Mr.K.Sankar (deceased)Intestate

1. MRS. S.SANKARI  
W/o.Late Mr.K.Sundar,  
No.47/67, Nature Apartments,  
S2, 2nd Floor, Outer Circular Road,  
Kilpauk Garden Colony,  
Chennai-600010.

2. Mrs.LAVANYA SANKAR  
D/o.Late Mr.K.Sankar,  
No.47/67, Nature Apartments,  
S2, 2nd Floor, Outer Circular Road,  
Kilpauk Garden Colony,  
Chennai-600010.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a  
Succession certificate may be granted to the petitioners with power to  
collect the debts and to receive interest in respect of the deceased  
Mr.K.Sankar as specified in the Schedule of this petition.

This original petition coming on this day before this court for hearing the court made the following order:

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2.It is the case of the petitioners that they are the legal heirs of deceased K.Sankar. The first petitioner is the wife and the second petitioner is the daughter of the deceased. The said K.Sankar died on 02.02.2017 at Apollo Hospitals 21, Greaves Lane, Chennai – 600 006. Other than the petitioners, there are no other relatives to succeed the estate as legal heirs. Prior to and at the time of his death, the deceased has his fixed place of No.18 First Floor, F2, West Park Road, Parvatham Apartment, Shenoy Nagar, Chennai – 600 030. He left the schedule mentioned properties and died within the jurisdiction of this Court. The deceased was having a movable property within the State of Tamil Nadu which is in the nature of a Fixed Term Deposit (Senior Citizen Scheme-Reinvestment) in Indus Ind Bank, Kilpauk Branch, Chennai with FD.No.300714787359, issued on 07.01.2017 and had matured with a value of Rs.35,05,415.17 on 07.02.2018. On account of the death, the petitioners being his successors, are jointly entitled for the amount lying in financial institution. The

deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of receiving the amount lying as in respect of the aforesaid deposit. The assets in respect of which the succession certificate is required is of the value of Rs.35,05,415.17. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in their names with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3.The second petitioner examined herself as P.W.1 and marked Exs.P1 to P5. Ex.P1 is the computer generated death certificate of my father K.Sankar, who died on 02.02.2017. Ex.P2 is the photocopy of the Legal Heirship Certificate dated 17.05.2017 in respect of my father K.Sankar. Ex.P3 is the photocopy of the Fixed Deposit receipt in IndusInd Bank, Kipauk Branch standing in the name of my father K.Sankar in Customer ID No.30550919. Ex.P4 is the original Power of Attorney dated 03.03.2020 given by the 1<sup>st</sup> petitioner in my favour to give evidence in this case. Ex.P5 is a copy of paper publication effected in one issue of Tamil daily “Maalai Sudar” dated 10.02.2020.

4.Considering the averments made in the petition and the documents filed by the petitioners, this Court is satisfied that the petitioners have succeeded the Estate of the deceased K.Sankar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/.V.P.N.J.  
30.09.2021

//Certified to be a true copy//

Dated this the                      day of                      2021.

su.12.10.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.