

**IN THE COURT OF ADDITIONAL MUNSIFF (RCC),**  
**THIRUVANANTHAPURAM**

Present: Smt. Salini.B., Additional Munsiff(RCC)  
**On Tuesday 26<sup>th</sup> day of March 2024/6<sup>th</sup> Chaithra 1946**

**OP (Succession) No.24/2022**

**Petitioners:-**

1. S.Radhakrishnan, aged 63 years,  
S/o Sasidharan,T.C.20/276, Pournami,  
Melarannoor, Karamana P.O.,Thiruvananthapuram
2. R.Geetha, aged 51 years, D/o S.Radhamma,  
residing at T.C.52/2171, Radha Nivas,  
Near Police Quarters, Nemom P.O.,  
Thiruvananthapuram
3. R.Girija, aged 48 years,  
D/o Radhamma, residing at T.C.52/2171,  
Radha Nivas, Near Police Quarters, Nemom P.O.,  
Thiruvananthapuram
4. R.Anitha, aged 46 years,  
D/o Radhamma, residing at T.C.52/2171,  
Radha Nivas, Near Police Quarters,  
Nemom P.O., Thiruvananthapuram

**By Adv.Sri.B.Vasudevan Nair**

**Counter Petitioner:-**

The Manager, Canara Bank,  
Nemom Branch, Thiruvananthapuram

**No Representation**

This Petition is having been finally heard on 26/03/2024  
and the court on the same day passed the following.

**ORDER**

1. Petition filed under Section 372 of the Indian  
Succession Act.

2. Petitioners' case in brief is as follows:- 1<sup>st</sup> petitioner is  
the brother of petitioners 2 to 4. They have one more sister  
named R.Uma who died intestate on 05.08.2021. As per the  
marriage rites prevalent among the Nair Community,

Smt.Uma married to B.Mani alias Kalyana Sundaram. Within a short span of time, their relationship strained due to incompatibility of temperament, which resulted in separation of their marriage and as per separation deed No.343/1987, on 7<sup>th</sup> day of September 1987 which was executed and registered through Sub Registrar's Office, Kanyakumari. As per Hindu Succession Act, the petitioners who are the brothers and sisters, alone are the legal heirs to succeed the estate of the deceased. The divorced husband of the deceased had no legal heir moreover his whereabouts are not known from the date of separation. On 21.01.2021, the deceased had pledged gold ornaments having a net weight of 180.350 grams in the counter petitioner bank. The deceased had availed Rs.5,60,000/- (Rupees Five lakhs and Sixty thousand only) and as per the loan account No.2995.709.4, the gold loan account pass card issued to the deceased. The petitioners are governed by the

provisions of the Indian Succession Act. Petitioners who are the only legal heirs of said R.Uma are in need of a succession certificate to collect the gold ornaments described in the schedule from the counter petitioner bank. Thus, this petition.

3. Nobody arraigned as respondents. Publication was made by affixture on the notice board of this court and notice boards of village and panchayath where the deceased was residing and also by publication in Kerala Kaumudi daily. Nobody appeared and objected the application.

4. Thereafter, 3<sup>rd</sup> petitioner was examined as PW1 and Exts. A1 to A3 marked from the side of petitioners.

5. Heard.

6. Ext.A1 is the gold loan account pass card. Ext. A2 is the original pass book. Ext.A3 is the copy of death certificate of R.Uma shows that she died on 05.08.2021. Petitioners are the legal representatives of the deceased and governed by the provisions of Indian Succession Act are entitled to collect the gold ornaments. Hence a succession certificate to be issued in the name of the petitioners.

In the result, this petition is allowed. Issue succession certificate in favour of petitioners to collect the gold ornaments described in the schedule from the counter petitioner bank.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 26<sup>th</sup> day of March 2024.

Sd/-  
Salini.B  
Additional Munsiff (RCC)

**Appendix:-****Exhibits marked for the Petitioners:-**

|    |            |                                    |
|----|------------|------------------------------------|
| A1 | Nil        | Gold Loan Account                  |
| A2 | Nil        | Original passbook                  |
| A3 | 05.08.2021 | Copy of death certificate of R.Uma |

**Exhibits Marked for the Counter Petitioner:- Nil****Court Exhibits:** NIL**Witness Examined for the Petitioners:-**

PW1      16/03/2024      R.Girija

**Witness Examined for the Counter Petitioner: Nil**

Id/-

Additional      Munsiff (RCC)

//True Copy//

Additional      Munsiff (RCC)

Typed by:Anooja

Compared by:

FCS:

True Copy of Order in  
OP (Succession)No.24/2022  
Dtd. 26/03/2024

