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**IN THE COURT OF THE PRINCIPAL
DISTRICT JUDGE, NORTH GOA, PANAJI.**

(Before Ms. Sherin Paul, Principal District Judge,
Panaji)

Civil Miscellaneous Application No.150/2022.

Mrs. Rajalaxmi Sundararajan,
w/o Mr. Prasannam Sundararajan,
aged 73 years, Indian national,
resident of House no.9/261, Plot E-3,
“Chakranugraha”, housing Board Colony,
Mapusa Goa. ...Applicant.

Applicant represented by Ld. Advocate Mr. S.
Correia.

ORDER

(Delivered on this the 24th day of the month of January of the year 2023)

1. This is an Order on an application filed by the applicant under Section 372 of the Indian Succession Act, 1925 (which shall hereinafter be referred to as the said Act) for grant of a Succession Certificate. In the said application the applicant stated that she is the wife of late Mr. Prasannam Sundararajan, who expired on 02/10/2008 at New Delhi. Late Mr. Prasannam Sundararajan was to as “the said deceased”. The applicant further stated that her marriage to the said deceased was solemnized on 24/10/1971 at Rajapalayam, Virudhunagar District in Tamil Nadu State (then State of Madras). That the marriage was not registered before any authority as the practice of registration of marriages was not prevalent in the said District at the time. That the spousal relationship between her and the said

deceased is evidenced in several records issued by public authorities, including her Aadhar Card and Passport. That her name is also recorded as “Rajalakshmy Sundararajan” in some records. That the deceased during his life time and till his death was permanently residing at Mapusa Goa with her and that he expired intestate, leaving her behind along with their two daughters namely, (1) Mrs. Sudarshana Sundararajan aged 49 years, wife of Mr. Poikaipakkam R. Murali, presently residing at 4204, Colton Circle, Naperville, IL 60564 USA and (2) Mrs. Ayshwarya Sundararajan, aged 43 years, wife of Mr. Sudarshan Narayan Prasad Chari, presently residing at Aldea 13, Villa 37, The Villa Dubailand, Dubai UAE, as his only legal heirs.

2. According to the applicant, the practice of writing the name of the new-born on the birth certificate at the time of birth was not prevalent in the Virudhunagar District of Tamil Nadu State, hence, the

names of the said Sudarshana Sundararaj and Ayshwarya Sundararajan do not appear on their certificates. That their two daughters did their schooling at St. Therese's High School, Vasco da Gama and Our Lady of The Rosary High School, Dona Paula respectively and their school leaving certificates indicate their names and date of birth.

3. The applicant stated that the deceased was working as a professor at Amity Law College at Noida UP at the time of his death. That the said deceased has died intestate. That due and diligent search has been made for a Will but none has been found. That she and her two daughters are the only legal heirs and there are no other heirs who can claim the property/estate of the deceased. That she and her two daughters therefore require a succession certificate to claim the property mentioned in the schedule. That there is no impediment of whatsoever nature either under Section 370 of the said Act or under any other

enactment that may be applicable to grant the succession certificate in her favour and that of her said two daughters. That she resides at Mapusa Goa and the said deceased was ordinarily residing with her at the same address and the property of the said deceased is located at Mapusa Goa. According, it was prayed that a succession certificate may please be issued in her favour and in favour of her two daughter Mrs. Sudarshana Sundararajan and Mrs. Ayshwarya Sundararajan in respect of the property as detailed herein below:

Plot no. 3-E admeasuring about 323.12 sq. metres, surveyed under chalta no.3(part) of PT Sheet no.45 of City Survey Mapusa, located at Goa Housing Board Colony, Ganeshpuri, Mapusa Goa, having residential house thereon bearing Municipal house No.9/261, which is valued at Rs.10,00,000/- (Ten Lakhs Only).

4. In the inquiry the applicant produced her Affidavit in Evidence at Exhibit 5, the death certificate of her husband at Exhibit 6, a copy of her Aadhar card at Exhibit 7, a copy of her passport at Exhibit 8, a notarized copy of the birth certificate of her daughter at Exhibit 9, a notarized copy of birth certificate of her second daughter at Exhibit 10, a true copy of school leaving certificate of her daughter Sudarsanu at Exhibit 11, a copy of the school leaving certificate of her second daughter Ayshwarya at Exhibit 12 and a notarized copy of Deed of Conveyance dated 28.08.1990 at Exhibit 13.

5. In order to determine whether the applicant is entitled for a Succession Certificate from this Court, it is necessary to consider Section 371 of the said Act, which reads as follows:-

371. Court having jurisdiction to grant certificate.—*The District Judge within whose jurisdiction the deceased ordinarily resided at*

the time of his death, or, if at that time he had no fixed place of residence, the District Judge, within whose jurisdiction any part of the property of the deceased may be found, may grant a certificate under this Part.

6. It is taken note of that Mr. Prasannam Sundararajan expired in Delhi as shown in the death certificate. Hence, it would be a District Judge within whose jurisdiction the deceased resided at the time of his death, who would have jurisdiction to issue a Succession Certificate, that is, the District Judge in Delhi. This Court in Goa would have jurisdiction only if, at the time of the death, the deceased had no fixed place of residence at the place where he expired. There is not a single averment made by the applicant that the deceased had no fixed place of residence in Delhi at the time when he expired there. As such, it cannot be said that the deceased had no fixed place of residence in the place where he expired, more so, as he was working as a professor in Noida UP at the time

of his death. In view of this, the Succession Certificate cannot be granted by this Court. Accordingly, this application stands dismissed.

Pronounced in the open Court

Proceeding closed.

Panaji.

Dated: 24.01.2023.

Sd/-

(Sherin G. Paul)
Principal District Judge,
Panaji.

Ad.