

IN THE COURT OF THE SUBORDINATE JUDGE, THIRUVALLA

Present: Sri.Rajeev.V, Sub Judge

Friday the 10th day of April 2026 20th day of Chaithra 1948 SE.

O.P. (Succession) in 02/2025

Between:-

1. Sheeja Anu John, aged 40,
W/o Late James Varghese, Veloor House,
Mallappally East P.O. Mallappaly,
Pathanamthitta District, Kerala, Pin 689584
Represented by Power of Attorney holder
Joby Abraham, aged 42, S/o Abraham Abraham,
Adapannam Kandathil, Nellimala P.O,
Eraviperoor, Pathanamthitta District,
Kerala Pin : 689542.
- 2 Joshua Varghese James (minor) aged 13,
S/o Late James Varghese @ JamesVarghese,
Veloor House, Mallappally East P.O. Mallappally,
Pathanamthitta District Kerala Pin : 689584
Represented by his Mother Sheeja Anu John,
Represented by Power of attorney holder
Joby Abraham,
Veloor House, Mallappally East P.O. Mallappally,
Pathanamthitta District Kerala Pin : 689584

Petitioner

AND: Counter Petitioner

Nil

This petition was filed U/S 371 and 372 of the Indian Succession Act.

This petition finally heard on 06.04.2026 in the presence of Adv.B. Gopakumar, Adv. Swetha Soman and Adv.Megha Sabu, counsel for the petitioners are on 10.04.2026 the Court passed the following.

ORDER

This is a petition filed under Section 371 and 372 of the Indian Succession Act praying to issue a succession certificate.

2. The case of the petitioners, in brief, is as follows:-
First petitioner is the mother of the second petitioner. The minor second petitioner is represented by his mother who is the first petitioner. As the first petitioner is not in station she is represented by her power of attorney holder. James Varghese – husband of the first petitioner and father of the second petitioner – died on 04.09.2023 consequent to a road accident. On 01.09.2023 the bike bearing registration No.KL05-J-4196 driven by James Varghese collided with a bus and James Varghese sustained severe injuries and succumbed to the injuries. The vehicle was duly insured with national insurance company with a policy of compulsory coverage to the owner / driver. The petitioners and the deceased are Christians and are governed by the Indian Succession Act in the matter of succession. The petitioners are the only surviving legal heirs of deceased James Varghese. The legal heirs of James Varghese submitted a claim for the amount covered under policy No.570602312310001308 before the

National insurance company and they allowed the claim as compensation in respect of death of James Varghese with a condition to furnish relevant documents including succession certificate from the court. Hence the petition is filed for issuing a succession certificate for an amount of ₹15,00,000/- which is due under policy No.570602312310001308. The first petitioner is entitled to get 1/3 share of the amount and the second petitioner is entitled to get the remaining amount. The petitioners have not applied for a succession certificate in any court for the asset shown in the schedule. There is no impediment in granting the succession certificate as prayed for. The first petitioner also prays to authorise and empower her to collect the amount due to the second minor petitioner on condition.

3. Notice on the petition was given by paper publication and also it was affixed in the court notice board. But no one appeared opposing the issuance of succession certificate, in response to the notice.

4. The power of attorney holder of the first petitioner was examined as PW1 and Exts.A1 to A4 were marked. Ext.A1 is the power of attorney executed by the first petitioner. Ext A2 is the death certificate of James Varghese. Ext.A3 is the legal heirship of certificate. Ext.A4 is the policy bearing No.570602312310001308.

5. Heard counsel for the petitioner. He has argued that the evidence adduced by PW1 and the documents marked clearly prove the case of the petitioners.

6. The affidavit filed by PW1 and the documents produced prove the case of the petitioners that they are the only legal heirs of the deceased James Varghese. Therefore, I am satisfied that the petitioners have a better title to receive the amount covered under the policy scheduled in the petition. I find no legal impediment to issue a succession certificate to the petitioners. Hence they are entitled to receive a succession certificate as prayed for.

7. The parties allege that they as well as the deceased James Varghese followed christian faith . Hence Indian Succession Act is the law applicable for them. As per the Indian Succession Act the first petitioner is entitled to 1/3 share of the amount covered under the policy scheduled and the second petitioner is entitled to 2/3 share over the amount covered under the policy scheduled. The second petitioner is a minor. First petitioner has also prayed to allow her to receive the amount due to the second petitioner. Hence the first petitioner is allowed to collect the share of ₹10,00,000/- of the second petitioner on condition of the first petitioner producing fixed deposit receipt for an amount of ₹10,00,000/- in the name of the minor second petitioner from a nationalised bank for the remaining period required for the minor second petitioner to attain majority.

In the result, a succession certificate is ordered to be issued to the petitioners so as to enable them to collect the amount of ₹15,00,000/-, scheduled in the petition, from National Insurance Company in the proportion as stated above.

Office is directed to purchase necessary stamp paper for engrossing the succession certificate in favour of the petitioners.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open Court on this the 10th day of April, 2026.)

Sd/-
RAJEEV.V.
SUB JUDGE.

APPENDIX :

Exhibits Marked for Petitioner.

- | | | | |
|----|------------|---|---|
| A1 | 06.05.2025 | - | Power of Attorney executed by Sheeja Anu John in favour of Joby Abraham. |
| A2 | 19.08.2023 | - | Death certificate No.D0060179- 2309092 dated 19.09.2023 of James Varghese issued from Municipality, Thiruvala. |
| A3 | 21.11.2023 | - | Legal heirship certificate No. TKMLPY/2092/2023 – A4/K Dis dated 22.11.2023 issued from Taluk Office Mallappally. |
| A4 | 05.06.2023 | - | Insurance Policy No. 570602312310001308 dated 05.06.2023 issued from National Insurance company Ltd. Portal Office Mallappally. |

Witness Examined for the petitioners:

PW1 11.03.2026 - Joby Abraham, Power of Attorney holder of the petitioners.

Id/-
SUB JUDGE

*Fair of Order in
OP(Succ) 02/2025
Dated: 10/04/2026.*