

**IN THE COURT OF THE II ADDL. SUBJUDGE,
THIRUVANANTHAPURAM**

Present : Smt. Laijumol Sherif, II Addl. Sub Judge
On Friday 31st March, 2023/10th Chaithra, 1945

OP(Succession) No.29/2022

Petitioner:

Sudhanan, S/o K. Bhanu, aged 63 years,
Vishnu Bhavan, Perumaram, Azhakulam,
Vizhinjam (PO), Thiruvananthapuram

By Adv. Sri .S.Gopalakrishnan Nair

Counter Petitioners :

- 1 Amritha kumari, D/o Lekshmi Kunju, aged 61 years,
Vadakkepara Vila, Kovalam Junction, Kovalam(PO),
Thiruvananthapuram. PIN:695527.
- 2 Ajitha, D/o Lekshmi Kunju, aged 59 years,
Vadakkepara Vila, Kovalam Junction, Kovalam(PO),
Thiruvananthapuram.
- 3 Rajan, S/o K. Bhanu, aged 57 years,
Vadakkepara Vila, Kovalam Junction, Kovalam(PO),
Thiruvananthapuram.

By Adv.Sri. N.Sitendran

This OP Succession having been finally heard on 31/03/2023 and the court on same day passed the following:-

ORDER

A petition filed by the petitioners u/s.372 of the Indian Succession Act, 1925 for issuance of succession certificate.

2. Gist of the averments in the petition is as follows:-

Petitioner is the elder brother of the respondents 1 to 3. They are the children of K. Bhanu and Lakshmy Kunju. The eldest brother of the petitioner and the respondents, Sri. Vijayan, who was residing at Vadakkeparavila, Kovalam Junction, Kovalam P.O., died on 06.04.2019 at the age of 63 years due to some old age ailments and heart disease at PRS Hospital, Karamana, Thiruvananthapuram. The petitioner and the respondents 1, 2 and 3 are the only legal heirs of said Sri. Vijayan, and the parents K. Bhanu and Lakshmi Kunju predeceased him much earlier. Sri. Vijayan, was a bachelor and has no other legal heirs other than his siblings. Sri. Vijayan, was a savings bank account holder with the pension payment Sub Treasury, Fort, Thiruvananthapuram. An amount of ₹25,00,000/- is due to the petitioner and the respondents 1, 2 and 3 from the above said Treasury. The petitioner and the respondents 1, 2 and 3 being the only legal heirs are entitled to get the succession certificate from this court. There is no legal impediments or any other provisions of law to the sanctioning of a certificate of succession to the petitioner and the respondents. The deceased did not make any will and he died intestate. There is no collusion between the parties in filing the petition. Hence the application.

3. Though notice was served on the respondents they did not appear before the court and contest the matter.
4. The petitioner got himself examined as PW1. Exts. A1 to A4 were got marked.
5. Heard the learned counsel for petitioners.

6. Petitioner filed affidavit in lieu of examination-in-chief, reiterating the contentions in the petition. Death certificate of Sri. Vijayan .B owing to reveal that he died on 06.04.2019 is marked as Ext.A1. Legal heirship certificate of Sri.Vijayan.B owing to show that the petitioner and the respondents 1 to 3 are his legal heirs is marked as Ext.A2. Copy of Treasury Savings Bank Term Deposit certificate J.K.No.032635/799010500522625 dated 08.10.2018 and Treasury Savings Bank Term Deposit Certificate AA. No.033/496/281400 dated 16.06.2016 are marked as Ext.A4.
7. From the uncontroverted testimony of the petitioner and from Exts. A1 to A4, it is evident that Sri. Vijayan.B governed by Hindu succession Act died on 06.04.2019 and he would be succeeded by the petitioner and the respondents. The first petitioner, being his brother and respondents No.1 to 3 being his siblings are entitled to succeed to the petition schedule, deposited with the Treasury Savings Bank closure account of the deceased. The petitioner and the respondents each are entitled to 1/4th share of the petition schedule amount.
8. Resultantly, the original petition is allowed without costs and a succession certificate is granted to the petitioner on satisfaction of the following conditions as enumerated below:
9. A succession certificate favouring the petitioner and the respondents 1 to 3 is accordingly granted by empowering them for drawing and receiving

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a sum of ₹.25,00,000/- (Rupees Twenty Five Lakhs only) with the accounts mentioned in the petition schedule.

10. The petitioner is authorised to receive $\frac{1}{4}^{\text{th}}$ of the total amount and the respondents 1 to 3 are also authorised to receive $\frac{1}{4}$ th share each of the total closure amount.
11. Necessary stamp value to be remitted by the petitioner for engrossing the succession certificate.
12. The certificate is accordingly granted to the petitioner empowering him to collect his share in the petition schedule amount.

Dictated to C.A, transcribed and typed by her, corrected by me and pronounced in open court on this, the 31st day of March, 2023.

Sd/-
Laijumol Sherif
II Addl.Sub Judge.

Appendix

Exhibits for the Petitioner :

A1	13/04/2019	Death certificate
A2	04/05/2022	Legal heirship certificate
A3	08/10/2021	Copy of Treasury Savings Bank Term Deposit certificate No. J.K.032635
A4	16/06/2019	Copy of Treasury Savings Bank Term Deposit certificate No. A.A.033496

Exhibits for the Counter Petitioners :NIL

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Witness for the Petitioner :

PW1 28/03/2023 Sudhanan

Witness for the Counter Petitioners :NIL

Id/-
II Addl. Sub Judge.

// True Copy //

II Addl. Sub Judge.

Sk Com by FCS :

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Copy of Order in Succession
O.P. No.29/2022
Dated:-31.03.2023.