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O.P.No.771 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.07.2025**

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THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.771 of 2021

1.Mrs.Yagaveni
2.Minor M.Mithran

...Petitioners

vs.

Mrs.Selvakumari

...Respondent

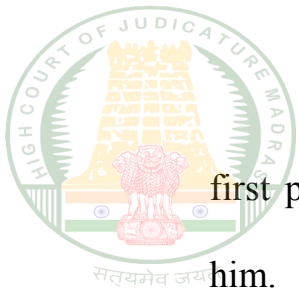
PRAYER: Original Petition filed under Order XXV, Rule 6 of the High Court Original Side Rules read with Under Section 372 of Indian Succession Act, 1925, praying that a Succession Certificate may be granted to the petitioners with power to collect the debts and to receive the interest specified in the B Schedule hereto.

For Petitioners : Mr.P.Pandiyaraj

For Respondents : Mr.V.Gangatharan

ORDER

The petitioners seek Succession Certificate in respect of the debts held by Late Mr. V.Manoj Kumar, who died intestate on 09.02.2020. The petitioners are the wife and minor son of the deceased. The respondent is the mother of the deceased. The second petitioner has been represented by the

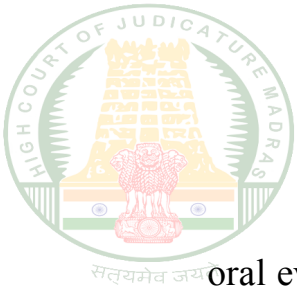


first petitioner as natural guardian. The father of the deceased predeceased him.

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2. The petitioner has been examined as PW1. She has produced the death certificate of the deceased as Ex.P6. The marriage invitation of the first petitioner and the deceased as Ex.P3. The marriage certificate issued by the Temple as Ex.P4. The photocopy of the Aadhar card of the petitioners as Ex.P1 and Ex.P2. The legal heirship certificate of the deceased as Ex.P7. A perusal of Ex.P7, shows that the deceased died leaving behind his wife, minor son and his mother, who are the petitioners and the respondent herein, as his surviving legal heirs. The certified copy of the orders in O.P.No.688 of 2017 and O.P.No.1616 of 2018 as Ex.P10 and Ex.P11. A perusal of Ex.P10 and Ex.P11, shows that the deceased filed two divorce petitions on the ground of cruelty, one petition was dismissed as they were reunited and another petition was dismissed as no representation.

3. The learned counsel for the respondent submitted that the respondent has no objection to grant a succession certificate in favour of the petitioner in respect of 2/3rd share in the schedule A mentioned property.



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4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents and considered the submissions of the learned counsel for the respondent. In these circumstances, the petitioners are entitled to the relief.

5. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the first petitioner, since the second petitioner is the minor and represented by the first petitioner who is the natural guardian of the second petitioner, with power to collect the debts and receive the interest and dividends on and negotiate and transfer the securities specified in the B schedule to the petition. In the interest of justice, the succession certificate is granted in favour of the respondent for the remaining 1/3rd share in schedule A, specified in the petition.

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Index :Yes/No

Petitioner's witness:
P.W.1 – Mrs.Yagaveni

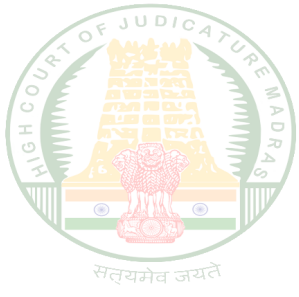


Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of Aadhar card of P.W.1.(Compared with the original)
Ex.P2	Photocopy of the Aadhar card of the 2 nd petitioner.(Compared with the original)
Ex.P3	Marriage invitation card of P.W.1.
Ex.P4	Photocopy of the marriage fee receipt dated 03.03.2020 issued by Arulmigu Vadapalani Andavar Temple.
Ex.P5	Computer generated birth certificate of M.Mithran, the 2 nd petitioner herein.
Ex.P6	Computer generated death certificate of Mr.Manoj Kumar.
Ex.P7	Computer generated Legal Heir Certificate of Mr.Manoj Kumar Viswanathan.
Ex.P8	Photocopy of the letter dated 24.02.2020 addressed to P.W.1 by Wipro Ltd.(Compared with the original)
Ex.P9	E-mail communication dated 24.03.2021.
Ex.P10	Certified copy of the order dated 09.01.2018 in O.P.No.688/2017 passed by the Family Court, Chennai.
Ex.P11	Certified copy of the order dated 18.10.2021 in O.P.No.1616/2018 passed by the Family Court, Chennai.
Ex.P12	Affidavit filed by P.W.1 under Section is the certificate under Section 65 B of the Indian Evidence Act, 1872.

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