
(1927) 03 MAD CK 0008
In the Madras High Court

Paramanandachari

APPELLANT

Vs

M. Veerappan

RESPONDENT

Date of Decision : 23-03-1927

Acts Referred:

Succession Certificate Act, 1889 — Section 16

Citation : 107 Ind. Cas. 431

Hon'ble Judges : Ramesam, J

Bench : Single Bench

Judgement

Ramesam, J.—Under the 1st part of Section 16 of the Succession Certificate Act (now Section 381 of the Succession Act of 1925) the

certificate (Ex. B) is conclusive against the debtor [vide, Kuchur Iyer v. Vengu Ammal 93 Ind. Cas. 360 : 50 M.L.J. 432 : (1926) M.W.N. 116 :

AIR 1926 Mad. 407 : 23 L.W. 728

2. The learned Vakild for the respondent refers to Section 386 of the Succession Act of 1925 (Section 22 of Act VII of 1889) which shows that he

need not pay if the certificate is invalid. But I do not see why the certificate is invalid.

3. Even if another person (such as the daughter) turn out to be the heir of the deceased, it does not follow that the certificate is invalid. Section 374

has no bearing in the case.

4. The petition is allowed and the plaintiff is given a decree with costs throughout.