

(1927) 03 MAD CK 0072
In the Madras High Court

Paramanandachary

APPELLANT

Vs

M. Veerappan

RESPONDENT

Date of Decision : 23-03-1927

Acts Referred:

Succession Act, 1925 — Section 386
Succession Certificate Act, 1889 — Section 16

Citation : AIR 1928 Mad 213(1)

Hon'ble Judges : Ramesam, J

Bench : Division Bench

Judgement

Ramesam, J.—Under the first part of Section 16, Succession Certificate Act (now Section 381, Succession Act of 1925), the certificate (Ex. B) is conclusive against the debtor [vide, Kuchu Iyer v. Vengu Ammal AIR 1926 Mad. 407].

2. The learned vakil for the respondent refers to Section 386, Succession Act of 1925 (S. 22 of Act 7 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) turns 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 plaintiff is given a decree with costs throughout.