



O.P.No.665 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

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CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 665 of 2024

Rachel Kamalini Moses
D/o Late Kensit Moses,
No.20, 53rd Street,
Ashok Nagar,
Chennai - 600 083.

..Petitioner(s)

Vs

1. Raphael Ajit Kumar
S/o Late Kensit Moses,
No.20, 53rd Street,
Ashok Nagar,
Chennai - 600 083.
2. Melanie Moses
W/o.Late Deepak Moses,
E 717, Sena Vihar,
Kammanahalli Main Road,
Kalyan Nagar,
Bangalore - 560 043.
3. Meryl Priyadarshini Moses
D/o.Late Deepak Moses,
103, Bethel Heights,
No.3, Bethel Street,
4th Cross Sai Baba Road,
Kammanahalli,
Bangalore - 560 084.
4. Pratik Sither Moses
S/o.Late Deepak Moses,
E 717, Sena Vihar,



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Kammanahalli Main Road,
Kalyan Nagar,
Bangalore - 560 043.

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..Respondent(s)

PRAYER: To grant succession certificate to the petitioner (viz) Ms.Rachel Kamalini Moses a power to collect the securities and to receive the interest and dividends on and to negotiate and transfer the securities specified in the schedule - B hereto Net Amount Rs.2,05,770/- Suc.duty of Rs.6,173/- paid on 25.07.2024.

For Petitioner(s): K.R.Ramesh Kumar
A.Nagarajan
N.K.Vanan
E.Rufina
L.K.Rita
R.V.Preetham Balajee

For Respondent(s): M/s.Amrutha.M
Vidushi Gudapati
R.Ravikiran
N.Nagendra Dhivyarajann
For R2 To R4 - D.No.47703/2024
Vak Filed On 09.12.2024.
M/s.Nandagopal
Jyothi
For R1 - D.No.27741/2025
Vak Filed On 17.07.2025
Cons Afft Retd On 01.08.2025

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Original Side Rules, seeking a



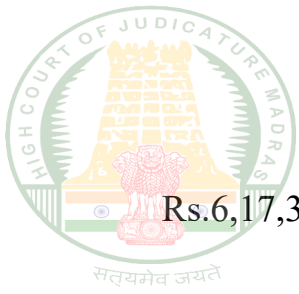
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succession certificate in respect of the securities in the name of the late Mrs Shanti

Moses, who died intestate on 22.09.2017. The record shows that the security in question comprises 100 shares of Apollo Hospital Enterprises Limited, covered by Share Certificate No. 358541 and Reg. Folio No. 8539.

2. The petitioner is the deceased's daughter. The first respondent is the deceased's son. Another son, Deepak Sittther Moses, predeceased the deceased on 14.08.2008, and respondents 2 to 4 are his widow, daughter and son. The deceased's death certificate, the predeceased son's death certificate, and the legal heirship certificates have been marked as Exs.P2 to P5. Ex.P1 is the share certificate. Ex.P6 is the newspaper publication. Ex.P7 is the affidavit under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam. P.W.1 has referred to these documents.

3. The petition itself proceeds on the footing that the petitioner and the first respondent are each entitled to a 1/3 share, and that respondents 2 to 4 are jointly entitled to the remaining 1/3 share. The value of the entire 100 shares is shown as



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Rs.6,17,310/-, and the value of the petitioner's 1/3 share is shown as Rs.2,05,770/-.

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4. Service has been completed. The first respondent has entered an appearance through counsel. Respondents 2 to 4 have also entered an appearance and filed a counter. The order sheets further show that succession duty has been paid, general paper publication was ordered and effected, and the learned Master has recorded that, pursuant to such publication, no objection was received from any member of the public.

5. Respondents 2 to 4 oppose the petition primarily on the ground that the petitioner has failed to disclose all the deceased's assets and has concealed the immovable property at Ashok Nagar. In support of this objection, Ex.R1, namely the encumbrance certificates relating to the property bearing Door No.20, old Door No.14, 53rd Street, Ashok Nagar, has been marked on the respondents' side. However, in cross-examination, P.W.1 has admitted that respondents 2 to 4 are legal heirs and are jointly entitled to a 1/3 share. She has also stated that she does not claim a right over the entire 100 shares.



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6. Having considered the pleadings, oral evidence and documents, this Court is of the view that the objection raised by respondents 2 to 4 cannot defeat the present petition. A proceeding under Section 372 of the Indian Succession Act is summary in nature. What falls for consideration here is the grant of a certificate in respect of the debt or security described in the petition, and the applicant's prima facie entitlement thereto. The dispute now raised by respondents 2 to 4 regarding the immovable property at Ashok Nagar, the running of a school therein, and the documents reflected in the encumbrance certificates may give rise to separate and independent remedies. Those questions do not call for adjudication in this proceeding for a succession certificate.

7. At the same time, the petitioner cannot be granted a certificate for all 100 shares. The petition, the schedule, and the evidence of P.W.1 make it clear that the petitioner claims only her 1/3 share in the said security. The remaining 2/3 share is attributable to the first respondent and to respondents 2 to 4, as pleaded in the petition and admitted in evidence.



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8. Accordingly, this Original Petition is allowed in part. A succession certificate shall be issued in favour of the petitioner, limited to her 1/3 share in the 100 shares of Apollo Hospital Enterprises Limited standing in the name of the late Mrs Shanti Moses under Share Certificate No. 358541 and Reg. Folio No. 8539, together with such dividends, accretions and other benefits attributable solely to that 1/3 share. It is made clear that this order does not decide any question relating to the immovable property referred to by respondents 2 to 4, nor does it affect the rights, if any, of the respondents in respect of their respective shares in the said security. No costs.

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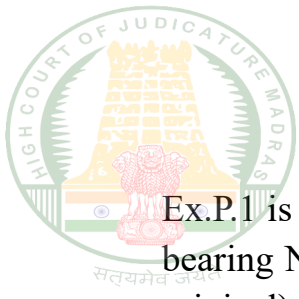
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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List of Witnesses examined on the side of the Petitioner:
PW1 –Mrs.Rachel Kamalini Moses.

List of Documents marked on the side of the Petitioner:

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Ex.P.1 is the photocopy of the share certificate of Apollo Hospital Enterprises Ltd., bearing No.358541 standing in the name of Mrs.Shanti Moses (compared with the original).

Ex.P.2 is the computer generated death certificate of Mrs.Shanti Moses.

Ex.P.3 is the photocopy of the death certificate of Mr.Deepak Sittther Moses (compared with the original)

Ex.P.4 is the photocopy of the legal heirship certificate of Mrs.Shanti Moses (compared with the original)

Ex.P.5 is the photocopy of the legal heirship certificate of Mr.Deepak S. Moses (compared with the original)

Ex.P.6 is the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 20.09.2025.

Ex.P.7 is the affidavit under Section 63 (4) (c) of BSA.

List of Witnesses examined on the side of the respondent: Nil

List of Documents marked on the side of the Petitioner:Nil

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DR.A.D.MARIA CLETE, J.

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