

O.P.No.908 of 2015**M.M.SUNDRESH, J**

This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the first petitioner.

2.Heard the learned counsel for the petitioners.

3.It is the case of the petitioners that Madhav Chellam Pillai Simon died on 15.07.2012 at Krishna Hospital, Ernakulam. He was ordinarily residing at New No.5, Old No.14, 1st Main Road, Seethamma Colony, Alwarpet, Chennai - 18. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the wife of the deceased and petitioners 2 and 3 are the daughters of the deceased. The deceased left behind the schedule mentioned property. Petitioners 2 and 3 have given no objection and they have also given consent to grant succession certificate in favour of the first petitioner. The succession certificate is required for the purpose of encashing the securities and shares mentioned in the schedule. The assets in respect of which the

succession certificate is required are of the value of Rs.25,30,672/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the debts/securities/shares and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule.

4.The first petitioner examined herself as P.W.1 and marked Exs.P1 to P10 viz.,

Ex.P1 is the computer generated certificate of registration dated 08.05.2008 for M/s.Clearwater Pool Company held by the first petitioner's deceased husband Madhav Chellam Pillai Simon.

Ex.P2 is the photocopy of the certificate of registration dated 08.05.2008 for M/s.Gardens and Pool Company held by the first petitioner's deceased husband.

Ex.P3 is the photocopy of death certificate of the first petitioner's husband Madhav Chellam Pillai Simon, who died on 15.07.2012.

Ex.P4 is the photocopy of the legal heirship certificate dated 03.08.2012 in respect of the first petitioner's deceased husband Madhav Chellam Pillai Simon.

Ex.P5 is the certified copy of the letter given by Canara Bank, Somajiguda Branch, Hyderabad dated 04.06.2015 addressed to M/s.Clearwater Pools showing the balance of Rs.4,27,295.10 in the account of M/s.Clearwater Pools bearing Account No.1787201001776.

Ex.P6 is the certified copy of the letter dated 11.05.2015 given by ICICI Bank, Alwarpet Branch, Chennai, stating that M/s.Garden and Pools is having a balance of Rs.7,54,998.65 in current Account No.000105007484.

Ex.P7 is the photocopy of savings account passbook in State Bank of India, Sriram Nagar Branch, TTK Road bearing Account No.32255003605 held by the first petitioner's deceased husband Madhav Chellam Pillai Simon.

Ex.P8 is the computer generated consolidated account statement as on 31.03.2015 issued by Central Depository Services India Limited in respect of shares and securities held by the first petitioner's deceased husband Madhav Chellam Pillai Simon.

Ex.P9 is the certified copy of letter given by State Bank of India, Nandhanam Branch addressed to M/s.Clearwater Pools as on 31.03.2015 showing a balance of Rs.11,94,515.46 in Account No.30879876869.

Ex.P10 is one copy of paper publication effected in one issue of Tamil Daily Makkal Kural dated 28.01.2016.

She has further stated in her evidence that she has not filed any other petition before any other Court seeking the same relief.

5.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Madhav Chellam Pillai Simon. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts/securities/shares and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

25.10.2016

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