

O.P.No.994 of 2015**K.KALYANASUNDARAM, 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 petitioners.

2. It is the case of the petitioners that the deceased M.P.Varadhan died intestate on 08.05.2014 at Old No.62, New No.123, Nehru Nagar, Villivakkam, Chennai-600 049 and the deceased was ordinarily residing at the above said addresses. The first petitioner is the wife of the deceased. Petitioners 2 and 3 are the sons of the deceased. The petitioners are the legal representatives of the deceased M.P.Varadhan. As the second petitioner is mentally retarded and as he is taken care of by the first petitioner, as his mother and natural guardian, the first petitioner had filed a petition in O.P.No.283 of 2008, to be appointed as the guardian of the second petitioner under Sections 3, 7 to 10 of the Guardians Act and Wards Act, 1890, before this Court and as per the order dated 31.07.2009, the first petitioner has been appointed as the Court Guardian of the second petitioner herein.

3. It is further stated that the petitioners as Class-I heirs claims to be entitled to a share of a estate of theirs. The first petitioner is entitled to receive the amounts relating to the Share Certificates, pertaining to the deceased Mr.M.P.Varadhan, morefully described in the schedule annexed, on

behalf of herself and also on behalf of the mentally retarded second petitioner. The third petitioner, who is the another son of the deceased M.P.Varadhan, has given his consent for the issue of Succession Certificate in the name of the first petitioner, pertaining to the deposits, mentioned in the schedule, by his consent affidavit. There is no impediment under Section 370 of the Indian Succession Act, 1925 or under any other provisions of this Act or any other enactment to the grant of the certificate or the validity thereof if it were granted. The succession certificate is required for the purpose of withdrawing the amount in share certificates, for 48760 shares, for face value Rs.1/-, vid., Ref: Folio No.CUB0000095, lying in City Union Bank, pertaining to the shares in Karvy Computershare Pvt.Ltd., having its Office at Plot No.17-24, Vittalrao Nagar, Madhapur, Hyderabad-500 081, morefully described in the schedule. The assets in respect of which the Succession Certificate is required are the value of Rs.48,760/-. The share certificates, which are mentioned in the list of documents. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his properties and credits. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased 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 securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the

schedule.

4. First petitioner, who, examined herself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated copy of the death certificate of her deceased husband M.P.Varadhan, who died on 08.05.2014.

Ex.P2 is the photocopy of the legal-heirship certificate, dated 16.06.2014 in respect of her deceased husband M.P.Varadhan (marked after comparing and verifying with original)

Ex.P3 is the photocopy of the City Union Bank Limited share Certificate dated 31.01.2008 in the name of her deceased husband M.P.Varadhan (Marked after comparing and verifying with original)

Ex.P4 is the certified copy of the order dated 31.07.2009 in O.P.No.283 of 2008, appointing her as the guardian to her mentally retarded son M.V.Manikandan.

Ex.P5 is the copy of the paper publication effected in one issue of Tamil Daily "Malai Sudar", dated 23.01.2016.

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

5. Mr.V.Manoj Kumar, the second petitioner herein was examined as P.W.2. In his evidence, he has stated that the first petitioner is his mother and the second petitioner is his brother and he does not have any objection for grant of Succession Certificate in favour of the first petitioner. He already filed his consent affidavit in this regard and the same has been marked as Ex.P6.

6. 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 M.P.Varadhan. 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 securities and to receive interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

09.12.2016

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