

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 04th DAY OF AUGUST 2016

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

OP.NO.125 OF 2016

In the matter of Inidan
Succession Act XXXIX of 1926
and

In the matter of certain
Debts & Securities belonging
to Mr.D.V.A.Manoharan
(intestate)

Mrs.Rani Mekala Manoharan
No.99,2nd Cross Street
V.G.P.Sea View Part-1
Palavakkam
Chennai 600 041.

.....Petitioner

-Vs-

1.Mr.Manoj Beno
No.99,2nd Cross Street
V.G.P.Sea View Part-1
Palavakkam
Chennai 600 041.

2.Mr.Nishanth Benjamin
No.99,2nd Cross Street
V.G.P.Sea View Part-1
Palavakkam
Chennai 600 041.

.....Respondents

This Original Petition praying that this Hon'ble Court
be pleased that Succession Certificate may be granted to
the Petitioner with power to collect the debts and to

receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

SCHEDULE A

SL .N O	DESCRIPTION OF SECURITIES				Value of security on Date of application for certificate Rs.
	Distinguishing Number of Letter of security	Name, Title or class of Security and Nos.	No.of shares	Amount or par value of security /Market Value	
1	INE090A01021	ICICI Bank Ltd	5500	283.70	15,60,350.00
2	INE614G01033	Reliance Power Limited	25	37.72	943.00
3	INE269A01021	Sonata Software	80	142.35	11,388.00
			Total		15,72,681.00

SCHEDULE B

SL.NO	DESCRIPTION OF DEBTS		
	Name of Debtor	Amount of Debt, including interest on date of application for certificate	Description and date of instrument, if any, by which the debt is secured
1	ICICI Bank Ltd	4,85,140.00	Fixed Deposit No 000114321947
2	ICICI Bank Ltd	3,11,624.00	Fixed Deposit No 000114355780
	Total	7,96,764.00	

This Original Petition coming on this day before this court for hearing Court made the following order:

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 petitioner.

2.It is the case of the petitioner that the deceased D.V.A.Manoharan died on 25.04.2014 at Billroth Hospital, Shenoy Nagar, Chennai - 30. The deceased ordinarily resided at No.99, 22nd Cross Street, V.G.P. Sea View Part - 1, Palavakkam, Chennai - 41. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the schedule mentioned properties. The petitioner is the wife of the deceased and the respondents are the sons of the deceased. According to the petitioner, she and her children are entitled to claim specific shares in the shares left behind by her deceased husband. The succession certificate is required for the purpose of negotiating the debts and securities and for arranging distribution. The shares in respect of which the succession certificate is required are of the value of Rs.23,69,445/-. 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. The respondents have also given No Objection Certificate for issuance of Succession Certificate to the petitioner. Hence, the petitioner has approached this Court for grant of succession certificate in her name with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3.The petitioner examined herself as P.W.1 and marked Exs.P1 to P6. Ex.P1 is the computer generated death certificate of the petitioner's husband D.V.A.Manoharan, who died on 25.04.2014. Ex.P2 is the photocopy of the legal heirship certificate dated 02.07.2014 in respect of the petitioner's husband D.V.A.Manoharan. Ex.P3 is the photocopy of statement of holdings as on 31.08.2015 issued by ICICI Bank Limited, Teynampet in respect of shares and securities held by the petitioner's deceased husband D.V.A.Manoharan bearing Client I.D.No.11654227. Ex.P4 is the photocopy of the letter from ICICI Bank Limited, Cenotaph Road Branch in respect of fixed deposit held by the petitioner's deceased husband D.V.A.Manoharan bearing Account No.000114321947. Ex.P5 is the photocopy of letter from ICICI Bank, Cenotaph Road Branch in respect of the

fixed deposit held by the petitioner's deceased husband D.V.A.Manoharan bearing Account No.000114355780. Ex.P6 is one copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 02.04.2016.

4.The respondents examined themselves as R.W.1 and R.W.2 and they have stated that they have no objection in granting succession certificate to the petitioner. They have filed Exs.R1 and R2 - consent affidavits..

5.Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased D.V.A.Manoharan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioner is directed to render account once in a year.

Sd/.M.M.S.J
04.08.2016

//Certified to be a true copy//
Dated this the day of 2016

S.s/07.11.2016
From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

COURT OFFICER