

O.P.No.211 of 2016**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 petitioners.

2.Heard the learned counsel for the petitioners.

3.It is the case of the petitioners that Jahanara Hussain died on 14.04.2010 at No.36, Mercury Nursing Home, Pantheon Road, Egmore, Chennai - 8. She was ordinarily residing at New No.71 (Old No.33), Nungambakkam High Road, Chennai - 34. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The petitioners are the daughters of the deceased. The deceased left behind the schedule mentioned property. The husband of the deceased predeceased her. The succession certificate is required for the purpose of transferring the shares standing in the name of the deceased. The assets in respect of which the succession certificate is required are of the value of Rs.7,41,595.23. 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 their names with power to collect the securities and receive the dividends thereon and negotiate and transfer the securities specified in the schedule.

4.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P8 viz.,

Ex.P1 is the photocopy of the death certificate of the first petitioner's father Mohamed Hussain, who died on 11.04.1991.

Ex.P2 is the photocopy of the legal heirship certificate of the first petitioner's deceased father dated 14.08.1996.

Ex.P3 is the computer generated copy of the death certificate of the first petitioner's deceased mother Jahanara Hussain, who died on 14.04.2010.

Ex.P4 is the photocopy of the legal heirship certificate of the first petitioner's deceased mother Jahanara Hussain dated 07.05.2010.

Ex.P5 is the computer generated copy of the demat account of the first petitioner's mother bearing D.P. A/c No.00017167.

Ex.P6 is the original statement of accounts issued by HDFC Bank standing in the name of the first petitioner's deceased mother Jahanara Hussain bearing Account No.12161000009412 for the period 01.04.2015 to 11.02.2016.

Ex.P7 is a copy of the paper publication effected in one issue of Tamil Daily Malai Sudar dated 30.06.2016.

Ex.P8 is a copy of the paper publication effected in one issue of English Daily News Today dated 30.06.2016.

He has further stated in his evidence that he 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 Jahanara Hussain. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and receive the dividends thereon and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

26.10.2016

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