

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

MONDAY, THE 17TH DAY OF JULY 2017

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

O.P.No.178 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

In the matter of Debts and
Securities of the Amarchand
Bothra and Kamala Devi Bothra
- deceased intestate.

1.Prakash Chandra Bothra,
S/o.Late Amarchand Bothra,
No.1/4, Kothari Road, 2nd Floor,
Kleem Villa, Nungambakkam,
Chennai-600 034.

2.Pradeep Kumar Bothra,
S/o.Late.Amarchand Bothra,
No.66, Old No.80, Mahatma Gandhi Road,
Flat No.4-B, Poonam Apartment,
Nungambakkam,
Chennai-600 034.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to that a Succession Certificate may be granted to the petitioners with power to collect the debts and Securities and to receive interest and dividends on and negotiate and transfer the Securities specified in the schedule hereunder pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

This Original Petition coming on this day before this court for hearing the 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 petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that their father Amarchand Bothra died at his residence at Chennai and their mother Kamla Devi Bothra died at Warangal, Andhra Pradesh and were then ordinarily residing at Flat No.4B, Poonam Apartments, No.66/80, Nungambakkam High Road, Chennai - 600 034. Both the deceased Amarchand Bothra and Kamla Devi Bothra died intestate and that due and diligent search has been made for their Will, if any but none has been found. The 1st and 2nd petitioners are entitled to claim a share in the estate of the deceased Amarchand Bothra and Kamla Devi Bothra, as their class-I legal heirs. The succession certificate is required for the purpose of collecting the debts, receiving interest and dividends on and negotiate and transfer the securities. The said debts and securities in respect of which the succession certificate is required as of the value of Rs.80,44,154.62. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, these petitioners have approached this Court for grant of succession certificate in the name of the 1st and 2nd Petitioners with power to collect the debts and to receive the interest as specified in the Schedule-I and II.

4. The 2nd petitioner examined himself as P.W.1 and marked Exs.P1 to P15 viz.,

Ex.P1 is the photocopy of death certificate of P.W.1's mother Kamla Devi Bothra, who died on 31.01.1998.

Ex.P.2 is the photocopy of death certificate of Legal heirship certificate dated 16.02.2001 in respect of P.W.1's mother, Kamla Devi Bothra.

Ex.P.3 is the computer generated death certificate of P.W.1's father, Amarchand Bothra, who died on 21.01.2013.

Ex.P.4 is the photocopy of legal heirship certificate dated 10.05.2013 in respect of P.W.1's father Amarchand Bothra.

Ex.P.5 series are the photocopies of shares certificates in Bajaj Finance Limited bearing Certificate No.658670 & 717425, 658671 & 717426 which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.6 series are the photocopies of shares certificates in LIC Housing Finance Limited bearing Certificate Nos.00000219, 00012293, which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.7 series are the photocopies of shares certificates. The Gwalior Rayon Silk Manufacturing (Weaving) Co. Ltd., bearing Certificate Nos.370976, 1660451, 1660450, which stands in the name of P.W.1's father Amarchand Bothra. Certificate Nos.580240, 1660452 stands in the name of P.W.1's mother Kamla Devi Bothra.

Ex.P.8 series are the photocopies share certificates in Hindustan Lever Limited bearing Certificate Nos.1514143, 1514142, 1095883, 1095882, 00737082, 00525095, 0402520, 241704, 2174158, 2148812, 2148811, 2148810, 2148809 which stands in the name of P.W.1's mother Kamla Devi Bothra.

Ex.P.9 series are the photocopies of shares certificates in Reliance Industries Limited bearing certificate Nos.62546393, 58406538, 50911419, 11511349 which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.10 series are the photocopies of shares certificates in Reliance Industries Limited bearing certificate Nos.62546392, 58406537, 53403651, 53403650, 11511348 which stands in the name of his mother Kamla Devi Bothra.

Ex.P.11 series are the photocopies of shares certificates in Glaxo Laboratories (India) Limited bearing certificate Nos.012296, 012297, 231131, 077160, 127180, 0394277, 0610398, 0610397, 0610396, 0610395, 0610394, 0610393, 0610392, 0610391, 0610390 which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.12 is the photocopy of share certificate in Bata India Ltd., bearing certificate No.0720279 which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.13 is the photocopy of saving Bank Account in UCO Bank Chennai main Branch bearing Account No.00410100010556 which stands in the name of P.W.1's father Amarchand Bothra.

Ex.P.14 series are the photocopies of statement dated 21.01.2017 bearing account No.00410100007028 in UCO Bank Chennai main Branch which stands in the name of P.W.1's mother Kamla Devi Bothra.

Ex.P.15 is one copy of paper publication effected in one Tamil daily "Makkal Kural" dated 03.04.2017.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the 1st and 2nd petitioners have succeeded the Estate of the deceased Amarchand Bothra. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive the interest as specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/-C.V.K.J
17.07.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/27.07.2017

COURT OFFICER

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