

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 8TH DAY OF AUGUST 2017

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

O.P.No.194 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

(In the matter of securities
belonging to Mrs.Santha Rajan
died Intestate)

1.Dr.Archana Narayanaswamy,
D/o.Dr.B.P.Rajan (Late),
Hindu, Aged:53 years,
Old No.9, New No.12,
Krishnamachari Avenue,
Adyar,
Chennai-600 020.

...Petitioner

-Vs-

Dr.Gunaseelan,
S/o,Dr.B.P.Rajan (Late),
Hindu, Aged about:-55 years,
No.10, 2nd Main Road,
Gandhi Nagar,
Adyar,
Chennai-600 020.

...Respondent

Original Petition praying that this Hon'ble Court be pleased to that a succession certificate may be granted to the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto and pass such further order or orders as deemed fit and proper in this circumstances.

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 petitioner.

2.It is the case of the petitioner that the deceased Mrs.Shantha Rajan, W/o.B.P.Rajan died on 31.01.2013 at Apollo Specialty Hospital, No.320, Mount Road, Chennai 600 035. The deceased was ordinarily residing at No.10, 2nd Main Road, Gandhi Nagar, Adyar, Chennai 600 020 and left the property described in the schedule is within the jurisdiction of this Court. The petitioner's father Dr.B.Perumal Rajan @ Dr.B.P.Rajan had died intestate on 22.11.2011 leaving behind his wife Mrs.Santha Rajan. The said Santha Rajan died on 31.01.2013 leaving behind her son Dr.R.Gunaseelan, who is the respondent herein and daughter Archana Narayanaswamy, who is the petitioner herein as legal heirs. They are the only surviving Class-I legal heirs of the deceased and they are entitled to a share to the estate of the deceased. The petitioner is the daughter of the deceased. The respondent is the son of the deceased. The petitioner has also obtained the consent affidavit of the respondent. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of claiming the assets morefully described in the schedule standing in the name of the deceased. The deceased left the movable securities specified in the Schedule, within the jurisdiction of this Court. The assets in respect of which the succession

certificate is required, are of the face value of Rs.2,29,05,763/-.

3. The Petitioner states that her mother Mrs.Santha Rajan had purchased a) Southern Petro Chemical Industries Corporation Ltd, 99, Armenian Street, Chennai - 600 001, 400 Shares and the worth of each share is Rs. 21,90/- totaling to Rs.8760/- (Rupees Eight thousand seven hundred and sixty only) b) Bunt Tubing of India Ltd, TIAM House, 11/12, North Beach Road, Chennai - 600 001, 100 shares and the worth of each share is Rs. 10/- totaling to Rs.1000/- (Rupees One Thousand Only) c) E.I.D.Parry(India) Ltd, Dare House, Parry's Corner, Chennai-600 001, 200 Shares and the worth of each share is Rs. 241.30/- totaling to Rs. 48,260/- (Rupees Forty eight thousand and two hundred and sixty only) d) Glaxo Laboratories (India)Ltd, Dr.Annie Beasant Road, Mumbai-400 025, 50 shares and the worth of each share is Rs.10/- totaling to Rs.500/- (Rupees Five hundred only) e) Glaxo India Ltd, Dr.Annie Beasant Road, Mumbai-400 025, 50 shares and the worth of each share is Rs.10/- totaling to Rs.500/- (Rupees Five Hundred Only) f) HIFCO Leasing Ltd, 69, Nagarajuna Hills, Hyderabad-500 004, 200 shares and the worth of each share is Rs.10/- totaling to Rs.2000/- (Rupees Two Thousand Only) g) Best & Crompton Engineering Ltd, No.29, Rajaji Saalai, Chennai-600 001, 50 shares and the worth of each share is Rs. 10/- totaling to Rs.500/- (Rupees Five Hundred Only) h) Ambalal Sarabhai Enterprises Ltd, Wadiwadi, Baroda-390007, 10 debentures and

the worth of each share is Rs. 100/- totaling to Rs.1000/-

i) Hindustan Lever Limited, Hindustan Lever House, 165-166, Backbay Reclamation, Mumbai-400 020, 172 shares and the worth of each share is Rs. 885.60/- totaling to Rs.1,52,323/- (Rupees One Lakh Fifty Two Thousand Three hundred and twenty three only) j) Hundustan Lever Ltd, 165-166, Backbay Reclamation, Mumbai-400 020, 1720 debentures and the worth is Rs.6/- totaling to Rs.10,320/- (Rupees Ten Thousand and Three Hundred and Twenty Only) k) SIP Industries Ltd, 116, Dr. Radhakrishnan Road, 3rd Floor, Chennai-600 004, 600 shares and the worth of each share is Rs.10/- totalling to Rs.6000/- (Rupees Six Thousand Only) i) Hatsun Agro Products Ltd, 5A, Vijayaraghava Road, T.Nagar, Chennai-600 017, 51,000 Shares and the worth of each share is Rs.444.60/- totaling to Rs.2,26,74,600 (Rupees Two crores twenty six lakhs seventy four thousand six hundred only) the details of the amount receivable is stated in the Schedule hereunder.

4. There is no impediment under Section 370 of the Indian Succession Act,1925 or any other enactment to grant of the certificate of the validity thereof, if it were granted. 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 petitioner has approached this Court for grant of succession certificate in favour of petitioner with power to collect the

securities and to receive interest, dividends thereon and negotiate and transfer the securities.

3.The petitioner examined herself as P.W.1 and marked Exs.P1 to P42 viz.,

Ex.P1 is the computer generated death certificate of petitioner's father Dr.B.P. Rajan, who died on 22.11.2011.

Ex.P2 is the photocopy of the legal heirship certificate in respect of petitioner's father Dr.B.P.Rajan. (marked after comparing and verifying with the original).

Ex.P3 is the computer generated death certificate of petitioner's mother Santha Rajan, who died on 31.01.2013.

Ex.P4 is the photocopy of legal heirship certificate in respect of petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P5 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.93948 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P6 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.127061 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P7 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.174338 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P8 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.174337 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P9 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.343570 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P10 is the photocopy of share certificate in Southern

Petrochemical Industries Corporation Ltd., bearing certificate No.343569 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P11 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.343568 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P12 is the photocopy of share certificate in Southern Petrochemical Industries Corporation Ltd., bearing certificate No.343567 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P13 is the photocopy of share certificate in Bundy Tubing of India Ltd., bearing certificate No.12346 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P14 is the photocopy of share certificate in Bundy Tubing of India Ltd., bearing certificate No.7800 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P15 is the photocopy of share certificate in Bundy Tubing of India Ltd., bearing certificate No.1308 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P16 is the photocopy of share certificate in Bundy Tubing of India Ltd., bearing certificate No.8280 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P17 is the photocopy of share certificate in E.I.D. Parry (India) Ltd., bearing certificate No.005674 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P18 is the photocopy of share certificate in E.I.D. Parry (India) Ltd., bearing certificate No.49219 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P19 is the photocopy of share certificate in E.I.D. Parry (India) Ltd., bearing certificate No.49220 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P20 is the photocopy of share certificate in Glaxo

Laboratories (India) Ltd., bearing certificate No.305139 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P21 is the photocopy of share certificate in Glaxo India Limited bearing certificate No.0894575 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P22 is the photocopy of share certificate in Hifco Leasing Limited, bearing certificate No.3142 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P23 is the photocopy of share certificate in Hifco Leasing Limited, bearing certificate No.17036 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P24 is the photocopy of share certificate in Hifco Leasing Limited, bearing certificate No.17037 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P25 is the photocopy of share certificate in Hifco Leasing Limited, bearing certificate No.17038 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P26 is the photocopy of share certificate in Best & Crompton Engineering Ltd., bearing certificate No.34739 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P27 is the photocopy of share certificate in Ambalal Sarabhai Enterprises Limited bearing certificate No.35350 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P28 is the photocopy of share certificate in Hindustan Lever Limited bearing certificate No.2045628 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P29 is the photocopy of share certificate in Hindustan Lever Limited bearing certificate No.2045629 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P30 is the photocopy of share certificate in Hindustan Lever Limited bearing certificate No.2045630 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original).

Ex.P31 is the photocopy of share certificate in Hindustan Lever Limited bearing certificate No.2045631 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P32 is the photocopy of share certificate in Hindustan Lever Limited bearing certificate No.7070687 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P33 is the photocopy of share certificate in SIP Industries Limited bearing certificate No.19856 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P34 is the photocopy of share certificate in SIP Industries Limited bearing certificate No.19857 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P35 is the the photocopy of share certificate in SIP Industries Limited bearing certificate No.19858 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P36 is the photocopy of share certificate in SIP Industries Limited bearing certificate No.19859 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P37 is the photocopy of share certificate in SIP Industries Limited bearing certificate No.19860 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P38 is the photocopy of share certificate in SIP Industries Limited bearing certificate No.19861 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P39 is the photocopy of share certificate in Hatsun Agro Product Limited bearing certificate No.898 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P40 is the photocopy of share certificate in Hatsun Agro Product Limited bearing certificate No.2367 held by petitioner's mother Santha Rajan. (marked after comparing and verifying with the original.

Ex.P41 is the consent affidavit given by the respondent herein stating that he has no objection in grant of

succession certificate in petitioner's favour.

Ex.P42 is the one copy of paper publication effected in one issue of Tamil daily "Markkal Kural" dated 23.05.2017.

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

4. 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 Mrs.Shantha Rajan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities. The petitioner is directed to render account once in a year.

Sd/-C.V.K.J

08.08.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/16.08.2017

COURT OFFICER

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