

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

TUESDAY, THE 08TH DAY OF AUGUST 2017

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

O.P.No.197 of 2017

In the matter of Indian
Succession Act XXXIX of 1925.

And

(In the matter of Securities
belonging to Dr.B.P.Rajan died
Intestate)

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

...Petitioner

-Vs-

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.

...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 Dr.B.Perumal Rajan @ B.P.Rajan died on 22.11.2011 at No.10, 2nd Main Road, Gandhi Nagar, Adyar, Chennai 600 020 leaving behind his wife Santha Rajan. The said Santha Rajan died on 31.01.2013 at Apollo Specialty Hospital, No.320, Mount Road, Chennai 600 035 leaving behind her son Dr.R.Gunaseelan, who is the petitioner herein and daughter Archana Narayanaswamy, who is the respondent 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 son of the deceased. The respondent is the daughter of the deceased. The respondent has also given her consent affidavit expressing no objection for the grant of letters of administration in favour of the petitioner. 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 disbursing the payment in favour of the petitioner standing in the name of the deceased. The deceased left the property 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.2,21,09,895/-.

3. The Petitioner states that his father Dr.B.P.Rajan had purchased a Devaki Hospital Ltd, No.148, Luz Church Road, Mylapore, Chennai - 600 004. 900 Shares and the worth of each share is Rs.9/- totaling to Rs.89,000/- (Rupees Nine Thousand Only) b) J.L.Morison (India) Ltd, 9th Mile, Tumkur Road, Bangalore-560073, 20 shares and the worth of each share is Rs.1229/- totaling to Rs.24,580/- (Rupees twenty four thousand five eighty only) c) Andra Pradesh Refractories Limited, 6-3-655/2/4, Somajiguda, Hyderabad,500004, 250 shares and the company shares are not being listed and the face value of the each share was Rs. 10 totalling to Rs.2500/- d) Karnataka Ball Bearing Corporation Limited, No.21-B, Belavadi Industrial Area, Belavadi, Mysore-571186, 150 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.1,500/- e) Rama Pulp and Papers Limited, 812, Raheja Chambers, Nariman Point, Mumbai-400 021, 100 shares and the worth of each share is Rs.7/- totaling to Rs.700/- (Rupees Seven Hundred Only) f) R.R.Fasteners Ltd, 8-2-248/B/31/A, Road No.3, Banjara Hills, Hyderabad-500 034, 150 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.1,500/- g) Elgitread (India) Ltd, 2000, Tiruchy Road, Coimbatore-641 005, 337 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.3370/- h) Lakshmi

Porcelains Ltd, Bright House, 6-3-680/B, Punjagutta, Hyderabad-500 004, 100 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.1000/- i) V.G.P.Golden Beach Resot Ltd., V.G.P.Golden Beach Resort Ltd, V.G.P.Square, Saidapet, Chennai-600 015, 100 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.1000/- j) The Southern Boraax Ltd, 2/3 Brahadambal Road, Nungambakkam, Chennai-600 034, 100 shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.1,000/- k) Lakshmi Electricals Control System Ltd, No.58/A, Avanashi Road, Coimbatore-641 037, 50 shares and the worth of each share is Rs.372.90/- totaling to Rs.18,645/- (Rupees Eighteen Thousand Six Hundred and Forty Five Only) l) Vanavil Dyes and Chemical Ltd, Kudikadu P.O, Cuddlore-607 003, 50 Shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.500/- m) Indag Rubber Ltd, No.41/2, M-Block, Speed Bird House, Connaught Circus, New Delhi-110 001, 50 Shares and the worth of each share is Rs. 200/- totaling to Rs.10,000/- (Rupees Ten Thousand Only) n) Nirup Synchrome Ltd, 1-2 593/38, Gagan Mahal Colony, Hyderabad-500 029, 200 Shares and the company shares are not being listed and the face value of each share is Rs. 10 totalling to Rs.2,000/- o) Cholamandalam Factoring Ltd, Tiam House, 28, Rajaji Road, Chennai-1, 25 Shares and the company shares shares

are not being listed and the face value of each share is Rs.10 totalling to Rs.250/- p) J.L.Morison, Son & Jones (India) Ltd, No.79, Dr.Annie Beasant Road, Worli, Mumbai-18, 50 Shares and the company shares are not being listed and the face value of each share is Rs.10 totalling to Rs.500/- q) Tamilnad Mercantile Bank Ltd, No.57, V.E.Road, Tuticorin, Thoothukudi-628001, 2505 Shares and the company shares are not being listed and the face value of each share is Rs. 10 totalling to Rs.25,050/- r) Hatsun Agro Product Ltd, 5-A, Vijayaraghava Road, T.Nagar, Chennai-17, 49,500 shares and the worth of each share is Rs.444.60/- totaling to Rs.2,20,07,700/- (Rupees Two Crores Twenty Lakhs Seven Thousand Seven Hundred Only) the details of the amount receivable is stated in the Schedule.

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

3.The petitioner examined himself 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 Devaki Hosptial, bearing certificate No.8306 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P6 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8307 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P7 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8308 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P8 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8309 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P9 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8310 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P10 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8311 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P11 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8312 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P12 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8313 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P13 is the photocopy of share certificate in Devaki Hosptial, bearing certificate No.8314 held by petitioner's father Dr.B.P Rajan. (marked after comparing nd verifying with the original).

Ex.P14 is the photocopy of share certificate in J.L.Morison (India) Ltd, bearing certificate No.00009577 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P15 is he photocopy of share certificate in Andhrapradesh Refractories Ltd, bearing Certificate No.00005421 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P16 is the photocopy of share certificate in Andhrapradesh Refractories Ltd, bearing Certificate No.00005422 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P17 is the photocopy of share certificate in Andhrapradesh Refractories Ltd, bearing Certificate No.00005423 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P18 is the photocopy of share certificate in Andhrapradesh Refractories Ltd, bearing Certificate No.00005424 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P19 is the photocopy of share certificate in Andhrapradesh Refractories Ltd, bearing Certificate No.00005425 held by petitioner's father Dr.B.P Rajan. (marked after comparing and verifying with the original).

Ex.P20 is the photocopy of share certificate in Karnataka Ball Bearings Corporation Ltd, bearing certificate No.44174 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P21 is the photocopy of share certificate in Karnataka Ball Bearings Corporation Ltd, bearing certificate No.44175 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P22 is the photocopy of share certificate in Karnataka Ball Bearings Corporation Ltd, bearing certificate No.44176 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P23 is the photocopy of share certificate in Rama Pulp

and Papers Ltd, bearing certificate No.0001339 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P24 is the photocopy of share certificate in Rama Pulp and Papers Ltd, bearing certificate No.0001340 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P25 is the photocopy of share certificate in RR Fasteners Ltd, bearing certificate No.239 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P26 is the photocopy of share certificate in RR Fasteners Ltd, bearing certificate No.240 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P27 is the photocopy of share certificate in RR Fasteners Ltd, bearing certificate No.241 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P28 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.3977 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P29 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.3978 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P30 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.3979 held by petitioner's

father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P31 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.40554 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P32 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.40555 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P33 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.81345 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P34 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.81346 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P35 is the the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.81347 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P36 is the photocopy of share certificate in Elgitread (India)Ltd bearing certificate No.81348 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P37 is the photocopy of share certificate in Lakshmi Porcelains Ltd, bearing certificate No.19831 held by petitioner's father Dr.B.P.Rajan (marked after comparing

and verifying with the original).

Ex.P38 is the photocopy of share certificate in Lakshmi Porcelains Ltd, bearing certificate No.19832 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P39 is the photocopy of share certificate in VGP Golden Beach Resort Ltd, bearing certificate No.57 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P40 is the photocopy of share certificate in The Southern Borax Ltd., bearing certificate No.2371 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P41 is the photocopy of share certificate in Lakshmi Electrical Control Systems Ltd., bearing certificate No.7055 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P42 is the photocopy of share certificate in Vanavil Dyes and Chemicals Ltd., bearing certificate No.16844 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P43 is the photocopy of share certificate in Indag Rubber Ltd.,, bearing certificate No.3036 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P44 is the photocopy of share certificate in Nirup Synchrome Ltd.,, bearing certificate No.659 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P45 is the photocopy of share certificate in Cholamandalam Factoring Ltd, bearing certificate No.1726 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P46 is the photocopy of share certificate in J.L.Morison, Son & Jones (India) Ltd bearing certificate No.2107 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P47 is the photocopy of share certificate in Hatson Agro Product Ltd., bearing certificate No.754 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P48 is the photocopy of share certificate in Hatson Agro Product Ltd., bearing certificate No.2228 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P.49 is the photocopy of share certificate in Tamilnad Mercantile Bank Ltd., bearing certificate No.000050542 held by petitioner's father Dr.B.P.Rajan (marked after comparing and verifying with the original).

Ex.P.50 is the consent affidavit given by the respondent herein stating that she has no objection in grant of succession certificate in favour of the petitioner.

Ex.P51 is one copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.05.2017.

He has further stated in his evidence that he 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 Dr.B.P.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/11.08.2017

COURT OFFICER

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