

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2017

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

O.P.No.225 of 2017

In the matter of Indian
Succession Act XXXIX of 1925

And

In the matter of Certain
Securities deceased Subadra
Subramanian intestate.

1.K.Subramanian,
H/o.Deceased Subadra Subramanian,
No.19, Oliverroad,
Mylapore,
Chennai-600 004.

2.S.Anand
S/o.Deceased Subadra Subramanian,
No.19, Oliverroad,
Mylapore,
Chennai-600 004.

...Petitioners.

Original Petition praying that this Hon'ble Court be pleased to that the Succession Certificate may be granted to the 2nd Petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities including those specified in the schedule hereto.

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 second petitioner.

2.It is the case of the petitioners that the deceased Subadra Subramanian died on 26.10.2014 at Apollo Hospital, Bangalore, Karnataka and the deceased was ordinarily resided at No.19, B New No.55, Oliver Road, Mylapore, Chennai-600 004 and left the property within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the husband of the deceased. The second petitioner is the son of the deceased. At the time of her death, left the petitioners, as the only legal heirs, who are entitled to claim equal share in the estate.

3. The succession certificate is required for the purpose of transferring the share certificates in favour of the petitioners of the deceased in respect of the securities morefully described in the schedule standing in the name of the deceased. The said assets in respect of which the succession certificate is required, are of the value of Rs.5,00,000/-. No succession certificate in respect of any debt or security belonging to the estate of the deceased has been made to nay District Court or delegate or High Court. There is no impediment under Section 370 of the Indian Succession Act, or under any other provisions of the Act or any other enactment to the grant of the Certificate or the validity thereof if it were granted. No application has been made to any District Court

or delegate or High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to her properties and credits. Hence, the petitioners therefore pray that a succession certificate may be granted to the second petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities including those specified in the schedule.

4.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P4 viz.,

Ex.P1 is the original death certificate of the deceased S.Subadra Alias Subadra Subramanian, who died on 26.10.2014.

Ex.P2 is the original legal heirship certificate dated 09.03.2015 in respect of the deceased S.Subadra Alias Subadra Subramanian.

Ex.P3 (Series 19 Nos.) are the photocopies of shares certificates in different companies bearing respective Certificate Numbers held by the deceased S.Subadra Alias Subadra Subramanian (marked after comparing and verifying with the original).

Ex.P4 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 28.06.2017.

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 S.Subadra Alias Subadra Subramanian. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the second petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities including those specified in the schedule, is issued. The second petitioner is directed to render account once in a year.

sd/-C.V.K.J.

20.09.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/25.09.2017

COURT OFFICER

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