

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 29TH DAY OF AUGUST 2017

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

O.P.No.289 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of Securities of
A. Ashok Kumar - deceased -
Intestate.

1.Mrs.A.Rajakumari,
W/o.Late.A.Ashok Kumar.

2.Sapna Bhansali,
D/o. Late.A.Ashok Kumar.

3.A.Amith
S/o. Late.A.Ashok Kumar.

4.A.Ramith
S/o. Late.A.Ashok Kumar

5.A.Ronak Surana
S/o. Late.A.Ashok Kumar.

Petitioners 1 to 5 are residing at
No.37/48, North Mada Street,
Mylapore,
Chennai-600 004.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that a Succession Certificate may be granted to
the 1st petitioner Mrs. A.Rajakumari with power to collect
the securities and to receive interest and dividends
thereon and negotiate and transfer the securities specified
in securities hereunder.

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 1925 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 and perused the materials available on record.

3. It is the case of the petitioners that A.Ashok Kumar died on 17.08.2016 at No.37/48, North Mada Street, Mylapore, Chennai 600 004. The deceased was ordinarily residing at No.37/48, North Mada Street, Mylapore, Chennai 600 004 and left the property within the Jurisdiction of this Court and as specified in the schedule to the petition. The deceased died intestate and though due and diligent search has been made for a Will, none has been found.

4. It is the further case of the Petitioners that the said deceased was doing Jewellery Business. His father and mother were predeceased to him. At the time of his death, the deceased died leaving behind the wife, the first petitioner herein, namely, A.Rajakumari and the petitioners 2 to 5 are daughter and sons namely, Sapna Bhansali, A.Amith, A.Ramith and A.Ronak Suranar. They are the Class-I legal heirs to succeed his entire estate. The petitioners 2 to 5 have filed their consent affidavit stating that they have no objection for grant of succession

certificate in favour of the first petitioner. The petitioners are entitled to claim a share in the sum of Rs.10,07,096.70 stands in the name of the deceased A.Ashok Kumar lying in the securities. The succession certificate is required for the purpose of claiming amount payable to the deceased morefully described in the securities. The amount in respect of which the succession certificate is required, is of the value of Rs.10,07,096.70/- No application for succession certificate in respect of any debt or security belonging to the estate of the deceased has bee made to any District Court or delegate or to any High Court. No application for probate of any Will Letters of Administration with or without Will has been filed to any District Court or to any 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. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner with power to collect the securities, cash balance and to receive the benefits, bonus, dividends thereon and negotiate and transfer the securities specified in the schedule.

5. The petitioner examined himself as P.W.1 and marked Exs.P1 to P9 viz.,

EX.P1 is the computer generated copy of the death certificate of the deceased A.Ashok Kumar, who died on

17.08.2016.

EX.P2 is the original legal heirship certificate dated 30.09.2016 in respect of deceased.

EX.P3 is the computer generated copy of the statement of the shares dated 01.04.2016 in the name of the deceased.

Ex.P4 is the original statement of securities along with cash balance of the deceased in Geojit Financial Services Ltd., for the period 01.08.2016 to 21.02.2017.

Ex.P5 is the consent affidavit given by the 2nd petitioner.

Ex.P6 is the consent affidavit given by the 3rd petitioner.

Ex.P7 is the consent affidavit given by the 4th petitioner.

Ex.P8 is the consent affidavit given by the 5th petitioner.

Ex.P9 is the copy of the paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 13.06.2017.

She has further stated in her evidence that she 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 petitioners have succeeded to the Estate of the deceased A.Ashok Kumar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the securities, cash balance and to receive the benefits, bonus, dividends thereon and negotiate and transfer the

securities specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

sd/-C.V.K.J.

29.08.2017

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

EM/05.09.2017

COURT OFFICER

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