

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 04TH DAY OF OCTOBER 2017

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

O.P.No.322 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of the Debts and
Securities of A.N.Kasthuri
Rangan (Deceased)

1.K.Padmaja,
W/o.Late A.N.Kasthuri Rangan,

2.K.Vijay Narayanan,
S/o.Late A.N.Kasthuri Rangan,

3.K.Malola Narasimhan (Minor),
Rep. By his Mother and
Natural Guardian K.Padmaja,
S/o.Late A.N.Kasthuri Rangan,

All are residing at
No.22, Parthasarathi Nagar 1st Street,
Adambakkam,
Chennai-600 088.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to that a SUCCESSION CERTIFICATE may be granted to the first petitioner herein with power to collect securities and to receive interest and dividends on and negotiate and transfer the securities specified in the schedule A hereto and for name transfer of Locker No.57-A with the State Bank of India, Guindy Branch, Chennai-600 032 in the assets specified in the schedule B and C hereto and pass such further or other orders as this Hon'ble Court may deem.

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 XXXIX of 1925 under Order XXV Rule 6 of the Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that A.N.Kasthuri Rangan died intestate on 29.12.2014 at his ordinary residence at No.22, Parthasarathi Nagar, 1st Street, Adambakkam, Chennai - 600 088 and the deceased left the property hereto within the jurisdiction of this Court. The deceased at the time of his death left behind the petitioners as his surviving class I legal heirs. The parents of the deceased viz., M.A.Jayalakshmi and M.A.Narayanan predeceased the deceased. Thus the petitioners are the only surviving persons next to the deceased. The petitioners being the wife and children of the deceased, are the Class-I legal heirs to the deceased A.N.Kasthuri Rangan, claim to be entitled to a share of the estate of the deceased.

3. The petitioners further state that there is no impediment under Section 370 of the Indian Succession Act, 1952 or under any other provision of this Act or any other enactment to the grant of certificate or the validity there

of if it were granted. The petitioner has truly set forth in the schedule, the Debts and Securities in respect of which the certificate is applied for. The Succession Certificate is required for transferring the share certificate and the name transfer for the use of locker standing in the name of A.N.Kasthuri Rangan to the first petitioner's name. The said certificate of shares and the valuables in the locker in respect of which the Succession Certificate is required are of the value of Rs.60,70,019.84. It is further sated that no application has been made to any District Court or delegate or to any High Court for Probate of any Will of the said deceased or for Letters of Administration with or without the Will annexed to his properties and credits and 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 to delegate or to any High Court. Notice is not intended to be served on to any person. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the first petitioner herein with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule A and for name transfer of Locker No.57-A with the State Bank of India, Guindy Branch, Chennai - 600 032 in the assets specified in the Schedule B and C.

4. First petitioner, who, examined herself as P.W.1, marked Exs.P1 to P7 viz.,

Ex.P1 is the computer generated copy of the death certificate of her deceased husband A.N.Kasthuri Rangan, who died on 29.12.2014.

Ex.P2 is the photocopy of the legal-heirship certificate, dated 19.03.2015 in respect of her deceased husband A.N.Kasthuri Rangan, (marked after comparing and verifying with the original)

Ex.P3 is the photocopy of the letter dated 03.09.2015 along with the statement of valuation as on 03.09.2015.

Ex.P4 is the photocopy of the valuation report.

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 a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 29.06.2017.

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

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

A.N.Kasthuri Rangan. 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 and to receive interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The first petitioner is directed to render account once in a year.

Sd/-C.V.K.J

04.10.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/20.10.2017

COURT OFFICER

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