

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 9TH DAY OF AUGUST 2017

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

O.P.No.333 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of the certain
securities belonging To
Mr.A.B.Ananthakrishnan
(Intestate)

1.A.Vijayalakshmi,
W/o.Late A.B.Ananthakrishnan,
Door No.4A, 2nd Street,
Subba Rao Avenue,
Thousand Lights,
Chennai-600 006.

2.A.HariKrishnan,
S/o.Late A.B.Ananthakrishnan,
Door No.4A, 2nd Street,
Subba Rao Avenue,
Thousand Lights,
Chennai-600 006.

3.A.Gopalakrishnan,
S/o.Late A.B.Ananthakrishnan,
3D Cambrae Hall,
2 P.V Cherian, Crescent Road,
Chennai-600 008.

4.A.Balakrishnan,
S/o.Late A.B.Ananthakrishnan,
Door No.4A, 2nd Street,
Subba Rao Avenue,
Thousand Lights,
Chennai-600 006.

5.Nandini Arun
S/o. LateA.B.Ananthakrishnan,
No.2b Tangy Apartment,
6 Dr.P.V.Cherian Crescent Road,
Egmore,
Chennai-600 008.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to that a Succession Certificate may be granted to 5th petitioner with power to collect the securities and to receive the interest and dividends there on and negotiate and transfer the securities 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, 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.It is the case of the petitioners that A.B.Ananthakrishnan died on 22.01.1982 at No.4A, 2nd Street, Subha Rao Street, Thousand Light, Chennai - 600 006. The deceased was ordinarily residing at the said address. The deceased 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. The deceased A.B.Ananthakrishnan died intestate on 22.01.1982 leaving behind A.Vijayalakshmi, A.Harikrishnan, A.Goplakrishnan, A.Balakrishnan and Nandini Arun, who are the petitioners herein. They are the only Class-I legal heirs of the deceased and they are entitled to equal share of the estate. The petitioners 1 to 4 have also given their consent affidavits expressing no objection for the grant of

Letters of Administration in favour of the fifth petitioner. The succession certificate is required for the purpose of production of the same to the Companies, financial institutions, mutual funds and Banks morefully described in the schedule. The assets in respect of which the succession certificate is required, are of the value of Rs.21,45,000/- No application for a succession certificate has been made to any District Court or delegate 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 fifth petitioner has approached this Court for grant of succession certificate in her name with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule.

3.The fifth petitioner examined herself as P.W.1 and marked Exs.P1 to P8 viz.,

Ex.P1 is the computer generated death certificate of petitioners' father A.B.Ananthakrishnan, who died on 22.01.1982.

Ex.P2 is the photocopy of legal heirship certificate dated 04.12.2007 in respect of petitioners' father A.B.Ananthakrishnan. (marked after comparing and verifying with the original).

Ex.P3 is the photocopy the letter dated 22.10.2016 addressed to the fifth petitioner by Karvy Computershare Pvt.Ltd., (marked after comparing and verifying with the original).

Ex.P4 is the consent affidavit given by the 1st petitioner stating that she has no objection in granting succession certificate in favour of the fifth petitioner in respect of the securities held by the deceased A.B.Ananthakrishnan.

Ex.P5 is the consent affidavit given by the 2nd petitioner stating that he has no objection in granting succession certificate in favour of the fifth petitioner in respect of the securities held by the deceased A.B.Ananthakrishnan.

Ex.P6 is the consent affidavit given by the 3rd petitioner stating that he has no objection in granting succession certificate in favour of the fifth petitioner in respect of the securities held by the deceased A.B.Ananthakrishnan.

Ex.P7 is the consent affidavit given by the 4th petitioner stating that he has no objection in granting succession certificate in favour of the fifth petitioner in respect of the securities held by the deceased A.B.Ananthakrishnan.

Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 23.06.2017.

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

4. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the fifth petitioner has succeeded the Estate of the deceased A.B.Ananthakrishnan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the fifth petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities. The fifth petitioner is directed to render account once in a year.

Sd/-C.V.K.J

09.08.2017

//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.