

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

MONDAY, THE 24TH DAY OF JULY 2017

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

O.P.No.334 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of the certain
securities of Mr.M.Parthiban
INTESTATE- Deceased on
06.02.2013.

1.M.P.Deepak Kumar,
S/o.M.Parthiban,
'Kriballam', Flat.No.15, No.9,
Arul Nagar, 1st Street,
Madavaram Milk Colony,
Chennai-600 051.

2.P.Thenmozhi,
S/o.M.Parthiban,
'Kriballam', Flat.No.15, No.9,
Arul Nagar, 1st Street,
Madavaram Milk Colony,
Chennai-600 051.

3.M.P.Vasanth,
S/o.M.Parthiban,
'Kriballam', Flat.No.15, No.9,
Arul Nagar, 1st Street,
Madavaram Milk Colony,
Chennai-600 051.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that a SUCCESSION CERTIFICATE may be granted to
the 1st petitioner namely Mr.Deepak Kumar with power to
collect the securities and to receive interest, dividends
thereon and negotiate and transfer the securities specified
in the Schedule 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 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 M.Parthiban died on 06.05.2013 at "Kriba Illam", Flat No.15, No.9, Arul Nagar, 1st Street, Madhavaram Milk Colony, Chennai 600 051. The deceased was ordinarily residing at the said address. The deceased left shares in his Demat Account at Axis Bank in Chennai in the State of Tamil Nadu 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. Petitioners 1 & 2 are the sons of the deceased. The second petitioner is the wife of the deceased. The parents of the deceased pre-deceased him. The petitioners are the only Class-I legal heirs of the deceased M.Parthiban. The succession certificate is required for the purpose of claiming the said amounts in the Demat Account at Axis Bank morefully described in the schedule standing in the name of the deceased. The amount in respect of which the succession certificate is required, are of the face value of Rs.13,15,507/-. No application for a succession certificate in respect of any credit 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 petitioners have approached this Court for grant of succession certificate in favour of petitioners with power to collect a sum of Rs.13,15,507/- from "AXIS BANK LTD". The 2nd and 3rd petitioners have no objection to issue the succession certificate in the name of the first petitioner and to collect the said amount.

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

Ex.P1 is the computer generated death certificate of petitioner's father M.Parthiban, who died on 06.05.2013.

Ex.P2 is the photocopy of the legal heirship certificate dated 05.07.2013 in respect of the petitioner's deceased father M.Parthiban.

Ex.P3 is the photocopy of petitioner's driving licence bearing No.TN0120130012055.

Ex.P4 is the photocopy of the PAN card of petitioner's mother, the 2nd petitioner herein, bearing No.ASZPT8823B.

Ex.P5 is the original statement of holding as on 19.01.2017, issued by AXIS Bank in respect of the demat account held by petitioner's deceased father M.Parthiban.

Ex.P6 is the consent affidavit given by the 2nd petitioner herein stating that she has no objection in granting succession certificate in favour of the petitioner in respect of debts and securities of

petitioner's deceased father.

Ex.P7 is the consent affidavit given by the 3rd petitioner herein stating that she has no objection in granting succession certificate in petitioner's favour in respect of debts and securities of petitioner's deceased father.

Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 20.06.2017.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

4. 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 M.Parthiban. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect a sum of Rs.13,15,507/- from "AXIS BANK LTD".

Sd/-C.V.K.J
24.07.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/24.07.2017

COURT OFFICER

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