

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 05TH DAY OF OCTOBER 2017

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

O.P.No.351 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of the certain
securities belonging to
Mrs.Brij Mohanlal Rathi- Died
Intestate.

Narayan Maheswari,
No:88, Gajapathy Street,
Shenoy Nagar, Aminjikarai,
Chennai-600 030.

...Petitioner

Original Petition praying that this Hon'ble Court be
pleased to that a SUCCESSION CERTIFICATE may be granted to
him with power to collect the entire share securities and
to receive the interests together with dividend as
described 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 petitioner.

2. Heard the learned counsel for the petitioner.

3. It is the case of the petitioner that his father
Mr.Brij Mohanlal Rathi died intestate on 14.06.2011 at

No.177/2, Poonamallee High Road, Kilpauk, Chennai-600 010 and ordinarily resided in the above said address. The petitioner also stated that at the time of death of the deceased, she had left the petitioner alone as her sole clause-I legal heir/son and no female issue. The husband of the deceased was pre-deceased. The deceased died intestate and that due diligent search has been made for a will but none has been found. The petitioner is the sole Clause-I legal heir of the above named deceased, he has entitled to recover the amounts invested by the deceased under various share certificates in various companies situated in Madras. The succession certificate is required for the purpose of collecting the securities due of the above named deceased together with accrued dividend (or) interest. The said assets in respect of which the succession certificate is required are the value of Rs.28,69,768.35 rounded to Rs.28,69,768.50. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, this petitioner has approached this Court for grant of succession certificate in the name of the Petitioner with power to collect the entire share securities and to receive the interests together with dividend as described in the schedule.

4. The petitioner examined himself as P.W.1 and marked Exs.P1 to P5 viz.,

Ex.P1 is the computer generated death certificate of petitioner's father B.M.Rathi who died on 14.06.2011.

Ex.P.2 is the photocopy of legal heir ship certificate dated 07.03.2017 in respect of petitioner's father Brijmohanlal Rathi.

Ex.P.3 is the certified copy of statement of holding as on 22.03.2017 from Karvy Stock Broking Limited in respect of the shares held by petitioner's father Brijmohanlal Rathi.

Ex.P.4 is the certified copy of statement of holding as on 22.03.2017 from Karvy Stock Broking Limited in respect of the shares held by petitioner's father Brijmohanlal Rathi.

Ex.P.5 is one copy of paper publication effect in one issue of Tamil daily "Malai Murasu" dated 23.06.2017.

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

6. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased Brij Mohanlal Rathi. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the entire share securities and to receive the interests

together with dividend as described in the schedule, is issued. The petitioner is directed to render account once in a year.

Sd/-C.V.K.J

05.10.2016

//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.