

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

FRIDAY, THE 06TH DAY OF OCTOBER 2017

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

O.P.No.357 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

And

In the matter of the
Securities of
Mrs.M.Vijayalakshmi (Deceased)
(Intestate)

1.G.Meenakshisundaram,
S/o.V.R.Ganapathy,

2.Mrs.M.S.Manjubashni,
D/o.Mr.G.meenakshisundaram,

Both Residing at,
Flot.No.6, Shreyas, First Floor,
No.13, 2nd Trust Cross Street,
mandaveli,
Chennai-600 028.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that a SUCCESSION CERTIFICATE may be granted to
the petitioner with power to collect the securities and
receive dividends 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 Order XXV, Rule 6 of
the Original Side Rules r/w. Section 372 under Part X of
the Indian Succession Act, 1925 to grant succession
certificate in favour of the second petitioner.

2. It is the case of the petitioners that the deceased M.Vijayalakshmi, W/o. G.Meenakshisundaram, died at Chennai in the Cancer Institute (WIA) on 22.05.2015. The said deceased ordinarily resided at Flat No.6, Shreyas, First Floor, No.13, 2nd Trust Cross Street, mandaveli, Chennai - 600 028 and left property specified in the schedule within the jurisdiction of this Court. The deceased died intestate and due and diligent search has been made for a Will but none has been found. The said deceased at the time of her death left the first petitioner - her husband and second petitioner - her daughter surviving as her only next-of-kin residing at Flat No.6, Shreyas, First Floor, No.13, 2nd Trust Cross Street, Mandaveli, Chennai - 600 028. The petitioners as the legal heir of the deceased claims to be entitled to share of the estate of the deceased Mrs.M.Vijayalakshmi. The deceased Mrs.M.Vijayalakshmi died on 22.05.2015 intestate leaving behind the first petitioner Mr.G.Meenakshisundaram (Husband) and the second petitioner M.S.Manjubashni (daughterr) as the legal heirs. The first petitioner being the father of the second petitioner has no objection if the Succession Certificate is granted in favour of the second petitioner. The second petitioner is the only daughter of the deceased and the first petitioner. Affidavit of the first petitioner stating no objection to grant of Succession Certificate in favour of the second petitioner. There is no impediment under Section 370 of the Indian Succession Act, 1925, or under any other provisions

of this Act or any other enactment to the grant of the certificate or the validity thereof if it were granted. The petitioners has truly set forth in Schedule No.1 the securities or debts in respect of which the certificate is applied for. The Succession Certificate is required for the purpose of transferring the shares in Companies as mentioned in Schedule No.1 held by the deceased, who was holding a Demat Account under DP ID IN301313 Client ID 20931144 in favour of the second petitioner. The said assets/ shares in respect of which the Succession Certificate is required are of the value of Rs.8,56,193.15/- (as on 07.11.2016). All bonus and other benefits which may accrue in respect of the shares and securities for which the Succession Certificate is requested also be given in favour of the second petitioner. 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. 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 Delegate or to any High Court.

3. The 2nd petitioner examined herself as P.W.1 and marked Exs.P1 to P7.

(i) Ex.P1 is the computer generated death certificate

of her mother M.Vijayalakshmi, who died on 22.05.2015.

(ii) Ex.P2 is the photocopy of the legal heirship certificate dated 19.06.2015 in respect of her mother M.Vijayalakshmi. (Marked after comparing and verifying with the original).

(iii) Ex.P3 is the consent affidavit given by her father stating that he has no objection in grant of Succession Certificate in her favour.

(iv) Ex.P4 is the copy of notice dated 21.09.2016 given by her counsel to M/s.Integrated Enterprises (India) Ltd.,

(v) Ex.P5 is the copy of reply dated 05.10.2016 from M/s.Integrated Enterprises (India) Ltd., addressed to her counsel.

(vi) Ex.P6 (Series 2 Nos.) are the online statement of holdings given by M/s.Integrated Enterprises (India) Ltd., as on 30.01.2017 & 07.11.2016 in respect of shares and securities standing in the name of her mother M.Vijayalakshmi in client ID No.20931144.

(vii) Ex.P7 is one copy of paper publication effected in one issue of Tamil daily "Dina Malar" dated 22.06.2017.

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.Vijayalakshmi. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 2nd petitioner with power to collect the Securities and to receive the interest and dividends on and

negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/-C.V.K.J

06.10.2016

//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.