

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY TESTAMENTARY CIVIL JURISDICTION)

MONDAY, THE 09TH DAY OF OCTOBER 2017

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

O.P. No.375 of 2017

In the matter of Hindu
Succession Act XXXIX of
1925.

And

In the matter of certain
Securities of late
Mr.K.N.Krishnamoorthy
deceased intestate.

Mrs.Balamani,
W/o.Late Mr.K.N.Krishnamoorthy,
No.802, Residency Apartment,
Opp-CLRI, Sarar Patel Road,
Adyar, Chennai-600 113.

2.Mr.Sridhakrishnasmoorthy,
S/o.Late Mr.K.N.Krishnamoorthy,
Tower 6, Flat No.181,
Pebble Bay Apartments,
First Main Road,
Dollar's Colony,
RMV Extension, Stage II,
Bangalore-560,

3.Mrs.Prema Subramanian,
D/o.Late Mr.K.N.Krishnamoorthy,
C/o T.V.Subramanian,
No.18, 9th Street,
Near Bank Avenie,
Anjanappa Layout,
Horamavu Main Road,
Banaswadi, Kalyan Nagar,
Bangalore-560 043.

4.Mr.Sekharkrishnamoorthy,
S/o.Late.Mr.K.N.Krishnamoorty,
presently Residing at
No-8, Cuscaden Walk,
04-01, Spring Block,

Singapore-249 692
 Represented by his power agent
 Mrs.Balamani,
 W/o.Late Mr.K.N.Krishnamoorthy,
 No.802, Residency Apartment,
 Opp-CLRI, Sardar Patel Road,
 Adyar, Chennai-600 113.

...petitioners

Original Petition praying that this Hon'ble Court be pleased to that a succession certificate may be granted to the petitioners with power to collect the debts and Securities and to receive interest and dividends thereon and negotiate and transfer the securities specified in the schedule hereto and pass such such further other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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.Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that K.N.Krishnamoorthy died on 12.06.2010 at Venkataeswara Hospitals, Old.No.121A, New.No.36A, Chamiers Road, Nandanam, Chennai and the deceased was ordinarily and permanent residing at, No.802, Residency Apartment, Opp-CLRI, Sardar Patel Road, Adyar, Chennai-600 113. The deceased died intestate and though due and diligent search has been made for a Will but none has been found. The

deceased is husband of the 1st petitioner and father of the 2 to 4 petitioners. It is further stated that at the time of the death of the deceased K.N.Krishnamoorthy owned moveable properties in his saving account 000101222870, ICICI Bank Ltd., Cenotaph Road, Chennai-600 018 to an extent of Rs.45,505.33 and in ICICI Bank Ltd, Demat Services, Oliver Road, Mylapore-600 004 to an extent of Rs.8,35,932/-respectively. The succession certificate is required for the purpose of getting the deposited and invested amounts in ICICI Banks. The said assets in respect of which the succession certificate is required is valued to Rs.8,81,437.33. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, these petitioners have approached this Court for grant of succession certificate in the name of petitioners with power to collect the debts and Securities and to receive interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

4. The 1st petitioner examined herself as P.W.1 and marked Ex.P1 to P7 viz.,

Ex.P1 is the computer generated death certificate of P.W.1's husband K.N.Krishnamoorthy, who died on 12.06.2010.

Ex.P2 is the Photocopy of the legal heirship certificate dated 25.06.2010 in respect of P.W.1's deceased husband K.N.krishnamoorthy.

Ex.P.3 is the original statement of holding as on 30.09.2016 in respect of demat account held by P.W.1's

deceased husband K.N.Krishnamoorthy.

Ex.P.4 is the photocopy of P.W.1's Aadhaar Card bearing No.208553292270.

Ex.P.5 is the photocopy of the Aadhaar Card of the 2nd petitioner bearing No.794283963451.

Ex.P.6 is the photocopy of the Registered Power of Attorney dated 19.01.2017 given by the 4th petitioner in favour of P.W.1.

Ex.P.7 is the copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 13.07.2017.

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 K.N.Krishnamoorthy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and Securities and to receive interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/-C.V.K.J

09.10.2017

//Certified to be a true copy//
Dated this the day of 2017.
EM/25.10.2017 COURT OFFICER

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