

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

TUESDAY, THE 03RD DAY OF OCTOBER 2017

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

O.P.No.411 of 2017

In the matter of the Indian
Succession Act, 1925 (Act XXXIX
of 1925)

and

In the matter of the Securities
of S.Shankar (Deceased-
Intestate)

1) S.Chitra,
W/o.Late S.Shankar

2) S.Sunitha,
D/o.Late S.Shankar

3) S.Shyam,
S/o.Late S.Shankar,

All are residing at
A-4, Anand Bhavan,
Old No.26, New No.78,
South Boag Road,
T.Nagar, Chennai-600 017.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that succession certificate may be granted to
the petitioners with power to collect the securities and to
receive the dividends thereon 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 part X of the Indian

Succession Act, 1925 and 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 S.Shankar died at Billroth Hospital R.A.Puram, No.52, 2nd Main Road Raja Annamalaipuram, Chennai-600 028, on 12.08.2016 at 5.49 p.m. The deceased died intestate and that due and diligent search has been made for a Will but none has been found. The 1st Petitioner is the wife of the deceased. Petitioners 2 and 3 are daughter and son of the deceased. The succession certificate is required for the purpose of transfer the TATA Motors Limited Shares vide a Reg.Folio No.E2S2029521, Certificate No.48909, Distinctive No(s).35480336 - 35482020 in the name of the 1st petitioner. The said assets in respect of which the succession certificate is required are of the value of Rs.7,89,085.50 (Rupees Seven Lakhs eighty nine thousand eight five rupees and fifty paise only). 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 securities and to receive the dividends thereon and negotiate and transfer the securities specified in the schedule.

4. The 1st petitioner examined herself as P.W.1 and

marked Ex.P.1 to P.12 viz.,

Ex.P.1 is the computer generated death certificate of P.W.1's husband S.Shankar, who died on 12.08.2016.

Ex.P.2 is the photocopy of legal heirship certificate dated 22.09.2016 in respect of P.W.1's husband S.Shankar.

Ex.P.3 is the photocopy of share certificate bearing certificate No.48909 in Tata Motors Limited held by P.W.1's deceased husband S.Shankar.

Ex.P.4 is the online printout showing the value of the shares.

Ex.P.5 is the photocopy of P.W.1's Aadhaar Card.

Ex.P.6 is the photocopy of Aadhaar card of the 2nd petitioner.

Ex.P.7 is the photocopy of Aadhaar card of the 3rd petitioner.

Ex.P.8 are the e-mails communication dated 30.01.2017, 10.10.2016, sent by P.W.1, addressed to Tata Motors asking for details for regarding the share certificates held by P.W.1's husband in their company.

Ex.P.9 is the computer generated death certificate of P.W.1's mother-in-law G.Sakunthala, who died on 23.03.2016.

Ex.P.10 is the photocopy of death certificate of P.W.1's father-in-law V.Subramanian, who died on 22.10.1997.

Ex.P.11 is the photocopy of legal heirship certificate dated 07.04.2000 in respect of P.W.1's father-in-law

V.Subramanian.

Ex.P.12 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 22.07.2017.

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 1st petitioner, I am satisfied that the petitioners have succeeded the Estate of the deceased S.Shankar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to receive the dividends thereon 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

03.10.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/13.10.2017

COURT OFFICER

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