

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)
WEDNESDAY, THE 11TH DAY OF OCTOBER 2017
THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN
O.P.No.413 of 2017

In the matter of the Indian
Succession Act XXXIX of 1925

and

In the matter of certain
securities belonging to
R.S.Krishnamurthy and K.Kamala
(Died) Intestate.

1)K.Sukumar,
S/o.Late R.S.Krishnamurthy,
Plot No.20, New No.4/6, Annasamy Street,
Vivekanandanagar, Nesapakkam,
Chennai-600 078.

2.K.Lakshminarayanan,
S/o.Late R.S.Krishnamurthy,
Plot No.1A Siva's Jayam,
26/12, Raghavan Colony III Street,
Ashok Nagar, Chennai-600 083.

3.V.Prabha,
D/o.Late R.S.Krishnamurthy,
New No.4, Old No.25, Subramania Nagar First Street,
Kodambakkam,
Chennai-600 024.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to that Succession certificate may be granted in
favour of the second petitioner viz., K.Lakshminarayanan
with power to collect the securities and to receive the
interests and 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 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 2nd petitioner, K.Lakshminarayanan.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that their father R.S.Krishnamurthy died intestate on 29.09.2006 and their mother K.Kamala died intestate on 27.12.2014 at their son's residence at New No.4/6, Annasamy Street, Vivekanandanagar, Nesapakkam, Chennai-600 078, and both the deceased were ordinarily resided at, No.4/6, Annasamy Street, Vivekanandanagar, Nesapakkam, Chennai-600 078. The deceased R.S.Krishnamurthy and K.Kamala died intestate and though due and diligent search has been made for a Will but none has been found. The 1 to 3 petitioners are their Class I legal heirs. The parents of the deceased predeceased them. The succession certificate is required for the purpose of transmission of company shares in favour of the 2nd petitioner from the deceased and also for collecting the dividends from the companies. The said assets in respect of which the succession certificate is required are for the value of Rs.12,41,401/- (Rupees Twelve Lakhs Forty One Thousand Four Hundred and One 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 2nd Petitioner, K.Lakshminarayanan, with power to collect the securities and to receive the interests and dividends on and negotiate and transfer the securities specified in the schedule.

4. The 2nd petitioner examined himself as P.W.1 and marked Ex.P1 to Ex.P.26 viz.,

Ex.P1 is the computer generated copy of death certificate of P.W.1's deceased father R.S.Krishnamurthy, who died on 29.09.2006

Ex.P2 is the computer generated copy of the death certificate of P.W.1's deceased mother K.Kamala, who died on 27.12.2014.

Ex.P.3 is the photocopy of the legal heirship certificate dated 11.02.2015 in respect of P.W.1's deceased mother.

Ex.P.4 is the photocopy of the share certificate of Piramal Phytocare Limited bearing registered Folio No.R 637, certificate No.16087 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.5 is the photocopy of the share certificate of Piramal Phytocare Limited bearing registered Folio No.R 17, certificate No.15464 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.6 is the photocopy of the share certificate of Piramal Healthcare Limited bearing registered Folio

No.00019450 12384, certificate No.55311 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.7 is the photocopy of the share certificate of Piramal Healthcare Limited bearing registered Folio No.00019865 12380, certificate No.55726 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.8 is the photocopy of the share certificate of Sicagen India Limited bearing registered Folio No.K 0001072, certificate No.8093 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.9 are the photocopies of the share certificates of Shri Ram Fibres Limited bearing registered Folio No.R-1573 and certificate Nos.18000, 75032, 140097, 34685, 34686 & 34687 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.10 are the photocopies of the share certificates of Indian Sewing Machine Company Limited bearing registered Folio No.R02085 and certificate Nos.25282 & 0011762 in the name of P.W.1's deceased father R.S.Krishnamurthy alongwith computer generated copy of the letter dated 26.05.2009.

Ex.P.11 is the photocopy of the share certificate of Mather & Platt Fire Systems Limited bearing Registered Folio No.R0001774 and Certificate No.00019574 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.12 is the photocopy of the share certificate of Piramal Enterprises Limited bearing Registered Folio No.RR60 and Certificate No.22803 in the name of P.W.1's deceased father R.S.Krishnamurthy which was subsequently

transferred in the name of P.W.1's deceased mother, the Registered Folio No.0032678.

Ex.P.13 is the photocopy of the share certificate of Automobile Produces of India Limited bearing Registered Folio No.E/1644 and Certificate No.8763 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.14 are the photocopies of the share certificates of MAC Industrial Products Limited bearing Registered Folio No.00005538 and Certificate Nos.24167 & 24168 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.15 are the photocopies of the share certificates of Shree Synthetics Limited bearing Registered Folio No.RSK010 and Certificate Nos.57517, 81333, 118005 & 118006 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.16 is the photocopy of the share certificate of Rossell Industries Limited bearing Registered Folio No.R01285 and Certificate No.30346 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.17 are the photocopies of the share certificates of Steel Tubes of India Limited bearing Registered Folio No.R10061 and Certificate Nos.147878, 147879 & 147880 in the name of P.W.1's deceased father R.S.Krishnamurthy.

Ex.P.18 are the photocopies of the share certificates of Juggilal Kamlapat Cotton Spinning & Weaving Mills Co-op Limited bearing Registered Folio No.R/1660 & JC R-1139 certificate Nos.E 02716, 02718 & 45670 which were subsequently transferred in the name of P.W.1's deceased mother in Registered Folio No.K02268.

Ex.P.19 are the photocopies of the share certificates of Andamans Timber Industries Limited bearing Registered Folio No.451 & 652 and Certificate Nos.3412, 3411, 3410, 3409, 2731, 2629, 1861, 1860, 1859, 1858, 1468 & 1466 in the name of P.W.1's deceased father.

Ex.P.20 are the photocopies of the share certificates of Thanjavur Spinning Mill Limited bearing Registered Folio No.3598 & certificate Nos.8502, 8503, 8504, 8505, 8506, 8507, 8508, 8509, 8510, 8511 in the name of P.W.1's deceased mother alongwith the photocopy of the letter dated 28.01.2013.

Ex.P.21 is the photocopy of the share certificate of Mahindra & Mahindra Limited bearing Registered Folio No.K011259 and Certificate No.2011497 in the name of P.W.1's deceased parents along with the photocopy of the letter dated 03.12.2010 in respect of the Registered Folio No.R010318 and Certificate No.2021180.

Ex.P.22 are the photocopies of the share certificates of Kothari (Madras) Limited bearing Registered Folio No.614059 and Certificate Nos.73715, 73716 & 73598 in the name of P.W.1's deceased parents.

Ex.P.23 is the computer generated copy of the market value of the share.

Ex.P.24 is the consent affidavit given by 1st petitioner.

Ex.P.25 is the consent affidavit given by 3rd petitioner.

Ex.P.26 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 18.07.2017.

He has further stated in his evidence that he 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 2nd petitioner has succeeded the Estate of the deceased R.S.Krishnamurthy and K.Kamala. 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 interests and dividends on and negotiate and transfer the securities as specified in the schedule, is issued. The 2nd petitioner is directed to render account once in a year.

Sd/-C.V.K.J

11.10.2017

//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.