

O.P.No.47 of 2017**K.KALYANASUNDARAM, J.,**

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 3rd petitioner.

2.It is the case of the petitioners that the deceased Mr.Multanmal Amichand, died on 17.01.2014 at his ordinary residence at No.48, Narayana Mudali Street, Sowcarpet, Chennai-600 079. The deceased ordinarily resided in Chennai and left property specified in the Schedule hereto within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for a Will none has been found. The petitioners are the Class-I legal heir of deceased Mr.Multanmal Amichand, claim to be entitled to a shares of some Companies held in Munoth Financial Service Ltd., Chennai, Client ID: 10001744, DP ID: IN300302, which are in the name of the deceased and also held in physical possession which are not de-matted by the deceased until his death. The 3rd petitioner has got consent affidavit from all other legal heirs of the deceased, i.e, the remaining petitioners 1 & 2, 4 to 7. There is no impediment under Section 370 of the Indian Succession Act 1925 or under any other provision of this Act or any other

enactment to the grant of the certificate or the validity thereof if it were granted.

3. There petitioners has truly set forth in Schedule No.1 hereto the Securities in respect of which the certificate is applied for the purpose of transmission of shares of Companies held in the name of the deceased Mr.Multanmal Amichand in Munoth Financial Service Ltd., Chennai, Client ID:10001744, DP ID: IN300302, and also held in physical possession which are not de-matted by the deceased Mr.Multanmal Amichand until his death in favour of the 3rd petitioner herein and the said asset in respect of which the Succession Certificate is required is of the value of Rs.15,55,693/-. Hence, the petitioners have approached this Court for grant of Succession Certificate in the name of the 3rd petitioner with power to collect the Securities and to receive Dividends thereon and negotiate and transfer the Securities specified in the Schedule, is issued.

4. The 3rd petitioner examined himself as PW-1 and marked Exs.P-1 to P-37. Ex.P-1 is the computer generated death certificate of the deceased Multanmal Amichand, who died on 17.01.2014. Ex.P-2 is the photocopy of the legal heirship Certificate in respect of the deceased Multanmal Amichand issued by Tahsildar, Purawalkam Taluk. Ex.P-3 is the photocopy of statement of

holding as on 17.01.2014 issued by Munoth Financial Services Limited in respect of Shares and Securities held by deceased Multanmal Amichand. Ex.P-4 is the photocopy of Share Certificate bearing Certificate No.236069 in Su-Raj Diamonds (India) Limited jointly held by his father and mother. Ex.P-5 is the photocopy of Share Certificate bearing Certificate No.294213 in Shree Krishna Polister Limited jointly held by his father and mother. Ex.P-6 is the photocopy of Share Certificate bearing Certificate No.17212 in Bhatinda Chemicals Limited jointly held by his father and mother. Ex.P-7 are the photocopies of Share Certificate bearing Certificate No.00041160 and 00041161 in Dyna vision Limited held by his deceased father. Ex.P-8 is the photocopy of Share Certificate bearing Certificate No.003652 in Dera Paints & Chemicals Ltd held by his father. Ex.P-9 is the photocopy of Share Certificate No.360774 in Pennar Aluminium Company Limited jointly held by his father and mother. Ex.P-10 is the photocopy of Share Certificate bearing Certificate No.14588 in Rajeshwari Graphics Limited jointly held by his father and mother. Ex.P-11 is the photocopy of Share Certificate bearing Certificate No.70332 in La Mansion Granites Limited jointly held by his father and mother. Ex.P-12 is the photocopy of Share Certificate bearing Certificate No.00030163 in Mandsaur Fero alloys Limited held by his father. Ex.P-13 (series 2 nos.) are the photocopies of Share Certificate bearing

Certificate Nos.74937 and 74938 in Arihant Cotsyn Limited held by his father. Ex.P-14(series 3 nos.) are the photocopies of Share Certificate bearing Certificate Nos.00029283, 00029284 and 00029285 in GKW Limited held by his father. Ex.P-15 (series 2 nos.) are the photocopies of Share Certificates bearing Certificate Nos.00322170 and 00322171 in Western India Shipyard Limited held by his father. Ex.P-16 is the photocopy of Share Certificate bearing Certificate No.023530 in Shukra Diamond Exports Limited jointly held by his father and mother. Ex.P-17 is the photocopy of Share Certificate bearing Certificate No.011550 in Jauss Polymers Limited jointly held by his father and mother. Ex.P-18 is the photocopy of Share Certificate bearing Certificate No.16453 in Lactose (India) Limited held by his father. Ex.P-19 is the photocopy of Share Certificate bearing Certificate No.38631 in Salzer Electronics Ltd jointly held by his father and mother. Ex.P-20 (series 3 nos.) are the photocopies of Share Certificate bearing Certificate Nos.00037502, 00037503 and 00037504 in Lactose (India) Ltd held by his father. Ex.P-21 is the photocopy of Share Certificate bearing Certificate No.155925 in Remi Metals Gujarat Limited jointly held by his father and mother. Ex.P-22 is the photocopy of Share Certificate bearing Certificate No.AK 0103302 in the Supreme Industries Limited held by his father. Ex.P-23 is the photocopy of Share Certificate bearing Certificate No.0119072 in the Supreme Industries Limited held by his father.

Ex.P-24 is the photocopy of Share Certificate bearing Certificate No.125058 in ESKAY k'n'IT (INDIA) LIMITED jointly held by his father and mother. Ex.P-25 is the photocopy of Share Certificate bearing Certificate No.00210546 in ESKAY K'n'IT (INDIA) LIMITED jointly held by his father and mother. Ex.P-26 (series 2 nos.) are the photocopies of Share Certificates bearing Certificate nos.124756 and 124757 in Oswal Spinning & Weaving Mills Limited held by his father. Ex.P-27 is the photocopy of share and debenture Certificate bearing Certificate No.27855 in Oswal Spinning & Weaving Mills Limited held by his father. Ex.P-28 is the photocopy of Share Certificate bearing Certificate No.64515 in Oswal Spinning & Weaving Mills Limited held by his father. Ex.P-29 is the photocopy of Share Certificate bearing Certificate No.00036438 in SVC Superchem Limited held by his father. Ex.P-30 is the photocopy of Share Certificate bearing Certificate No.0314241 in SVC Superchem Limited held by his father. Ex.P-31 is the consent affidavit given by the 1st petitioner stating that she has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-32 is the consent affidavit given by the 2nd petitioner stating that she has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-33 is the consent affidavit given by the 4th petitioner stating that she has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-34 is the consent affidavit given by the 5th petitioner

stating that he has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-35 is the consent affidavit given by the 6th petitioner stating that he has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-36 is the consent affidavit given by the 7th petitioner stating that he has no objection in granting Succession Certificate in favour of the 3rd petitioner. Ex.P-37 is one copy of paper publication effected in one issue of Tamil Daily "Thina Boomi" dated 17.02.2017. 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 petitioners had succeeded the Estate of the deceased Multanmal Amichand. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 3rd petitioner with power to collect the Securities and to receive Dividends thereon and negotiate and transfer the Securities specified in the Schedule, is issued.

27.04.2017

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K.KALYANASUNDARAM, J.,

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