

O.P.No.94 of 2017**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act XXXIX of 1925 read with order XXV Rule 6 of the Original Side Rules, 1956, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that the deceased Dr.K.T.Krishnan ordinarily resided at New No.8, old No.86, II Main Road, Gandhi Nagar, Adyar - 600020 and the deceased died intestate on 30.04.2015 at Apollo Hospital, 21, Greams Lane, Chennai 600006 leaving behind him the petitioners herein as the absolute owners of his share. The first petitioner is the wife of the deceased and the petitioners 2 to 4 are the daughters and son of the deceased. The petitioners are the only class-I legal heirs and no other kith or kin interested and entitled to claim his properties to be impleaded. The father and mother of late Dr.K.T.Krishnan predeceased him and hence the petitioners are the only class-I legal heirs of the deceased, more particularly, as described in the schedule mentioned property. The petitioners took all effects and due diligent steps to find out whether any Will or Testaments executed by the deceased, but none has been found. The petitioners required the succession certificate for the purpose of transferring shares standing in the credit of the deceased. The value of assets in respect of which the succession certificate is required is Rs.12,02,234/- (Rupees twelve lakhs two thousand two hundred and thirty four

only).

3. No application has been made to any District Court or to any High Court for the probate of any Will of the deceased or for letters of administration with or without the Will annexed to his properties and credits and they further submitted that no similar application for a succession certificate in respect of any debt or security belonging to the estate of the deceased has been made to any District Court or delegate or any High Court. The petitioners 2, 3 and 4 has filed consent affidavit in favour of the 1st petitioner and hence succession certificate may be granted in favour of the 1st petitioner. Hence, the petitioners prayed for a succession certificate in favour of the 1st petitioner with power to collect the securities and to receive the interest and dividend on and negotiate and transfer the securities specified in the schedule hereunder.

4. The third petitioner examined himself as PW1 and marked Exs.P1 to P5.

- i. Ex.P1 is the computer generated death certificate of her father Dr.K.T.Krishnan, who died on 30.04.2015.
- ii. Ex.P2 is the original legal heirship certificate dated 18.08.2015 in respect of her father Dr.K.T.Krishnan issued by Head Quarters, Deputy Tahsildar, Guindy Taluk, Chennai-15.
- iii. Ex.P3 series (342 nos.) are the photocopies of share certificates in different companies held by her deceased father Dr.K.T.Krishnan with respective certificate numbers.
- iv. Ex.P4 is the photocopy of statement of holdings as on 31.03.2016 in

respect of shares and securities held by her deceased father K.T.Krishnan held in Indian Overseas Bank, bearing client ID.No.20030174.

- v. Ex.P5 is one copy of paper publication effected in one issue of Tamil Daily 'Malai Malar' dated 19.02.2017.

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. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the securities and to receive the interest and dividend on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render accounts once in a year.

06.04.2017

pvs

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pvs

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