

O.P.No. 97 of 2017**C.V.KARTHIKEYAN. 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 1st petitioner Mr.Rajaram N Kathare.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that Mrs.Sharada R.Kathare died intestate on 15.12.2015 in No.207, St.Mary's Road, Alwarpet, Chennai – 600 018 and at the time of death she resided in the aforesaid premises and left the debts and securities hereto within the jurisdiction of this court. The petitioners herein are the only surviving persons next to the deceased Mrs.Sharada R.Kathare. The father and mother of the deceased had already died. The 1st petitioner being the husband, petitioners 2 to 6 being the children of the deceased as class I legal heirs to the deceased Mrs.Sharada R.Kathare, claims to be entitled to a share of the estate. The said deceased died intestate and that due and diligent search has been made for a will but none has been found.

4. The succession certificate is required for transferring the share

certificate standing in the name of Mrs.Sharada R.Kathare to the petitioner's name. The said certificates of shares in respect of which the Succession Certificate is required is of the value of Rs.65,43,922/- The assets in respect of which the succession certificate is required is only the value of Rs.65,43,922/-(Rupees Sixty Five Lakhs Forty Three Thousand Nine Hundred and Twenty Two 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 the 1st Petitioner Mr.Rajaram N Kathare with power to collect the debts and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule.

5. The 1st petitioner examined himself as P.W.1 and marked Exs.P1 to P14 viz.,

Ex.P1 is the computer generated death certificate of P.W.1's wife Sharada R.Kathare, who died on 15.12.2015.

Ex.P.2 is the photocopy of Legal Heirship Certificate dated 20.01.2016 in respect of P.W.1's deceased wife Sharada R.Kathare.

Ex.P.3 is the photocopy of the share certificate bearing certificate No.003007856, standing in the name of Sharada Rajaram Kathare, issued by HDFC Bank Limited.

Ex.P.4 is the photocopy of the share certificate bearing certificate No.00119275, standing in the name of Sharada R.Kathare, issued by Ultra Tech CemCo Limited.

Ex.P.5 is the computer generated statement of accounts for the account in No.00101000112150, maintained by P.W.1's deceased wife Sharada R.Kathare with HDFC Bank, Besant Nagar Branch.

Ex.P.6 is the email correspondence dated 11.11.2016.

Ex.P7 is the photocopy of the letter dated 25.11.2016 addressed to P.W.1 by Karvy Computer Share Private Limited, Hyderabad.

Ex.P8 is the web copy of the letter sent by HDFC Bank Limited.

Ex.P9 is the consent affidavit given by the 2nd petitioner.

Ex.P10 is the consent affidavit given by the 3rd petitioner.

Ex.P11 is the consent affidavit given by the 4th petitioner.

Ex.P12 is the consent affidavit given by the 5th petitioner.

Ex.P13 is the consent affidavit given by the 6th petitioner.

Ex.P14 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 10.01.2018.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

C.V.KARTHIKEYAN, J.

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6. 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 Mrs.Sharada R.Kathare. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner, Mr.Rajaram N Kathare with power to collect the debts and to receive the interest and dividends thereon and negotiate and transfer the Securities specified in the schedule. The 1st petitioner is directed to render account once in a year.

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15.03.2018

O.P.No. 938 of 2017

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