

O.P.No.210 of 2016**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Order XXV Rule 6 of the Madras High Court Original Side Rules r/w Part X of the Indian Succession Act, 1925, to grant succession certificate in favour of the petitioner.

2. It is the case of the petitioner that the deceased T.Dulipsingh died on the flight while he was travelling to London on the 19th day of November 2006 and was declared dead at Hillingdon Hospital, Hillingdon. The deceased left behind the petitioner (wife) and the respondents, viz., a son and two daughters as his only next kin. The legalheirship certificate issued by the Tahsildar, Egmore-Nungambakkam Taluk, Chennai-600 031 dated 01.12.2006 bearing No.45327/2006 evidences the next of kin left by the deceased. The petitioner, as the wife of the deceased claims to be entitled to share in the securities/shares which the deceased was holding in the Company Deepak Nitrite and Borsil Glass Works Ltd., as mentioned in the schedule.

3. The son and daughters of the petitioner have given no objection certificate for transmitting the said securities from the

name of the deceased to the petitioner. Hence, the petitioner is entitled to claim the transmission of the securities from the name of the deceased T.Dulipsingh to her name.

4. There is no impediment under Section 370 of the Indian Succession Act, 1925 or under any of the provisions of this Act or any other enactment for the grant of the certificate or the validity thereof if it were granted. The said assets in respect of which the succession certificate is required are of the value of Rs.23,94,600/-

5. The petitioner examined herself as P.W.1 and marked Exs.P1 to P13 viz.,

Ex.P1 is the certified copy of the death certificate of her husband T.Dulipsingh, who died on 19.11.2006.

Ex.P2 is the photocopy of legal heirship certificate dated 01.12.2006 in respect of her deceased husband Thomas Dulipsingh (witness says that the original has been misplaced).

Ex.P3 is the e-mail communication dated 19.12.2011.

Ex.P4 is the original letter dated 30.05.2007 addressed to her.

Ex.P5 is the photocopy of the letter dated 25.06.2014 addressed to her deceased husband T.Dulipsingh

Ex.P6 (Series 2 Nos.) are the photocopies of the share certificates bearing Certificate Nos.0001780 and 0003748 standing in the name of her deceased husband T.Dulipsingh (marked after comparing and verifying with the original).

Ex.P7 is the original No Objection statement given by the first respondent.

Ex.P8 is the original No Objection statement given by the second respondent.

Ex.P9 is the original No Objection statement given by the third respondent.

Ex.P10 is the consent affidavit given by the first respondent stating that he has no objection in granting succession certificate in favour of the petitioner in respect of the debts and securities of the deceased T.Dulipsingh.

Ex.P11 is the consent affidavit given by the second respondent stating that she has no objection in granting succession certificate in favour of the petitioner in respect of the debts and securities of the deceased T.Dulipsingh.

Ex.P12 is the consent affidavit given by the third respondent stating that she has no objection in granting succession certificate in favour of the petitioner in respect of the debts and securities of the deceased T.Dulipsingh.

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Ex.P13 is a copy of paper publication effected in one issue of Tamil Daily "Thina Boomi" dated 24.02.2017.

She has further stated in her evidence that she has not filed any other petition before any other Court seeking the same relief.

6. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased T.Dulipsingh. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule, is issued. The petitioner is directed to render account once in a year.

08.05.2017

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