

O.P.No.957 of 2016**K.KALYANASUNDARAM, J.**

This is a Petition 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 to the petitioners with power to act and to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities, deposits specified in the schedule to the petition.

2. It is the case of the petitioners that the deceased NBS Rao @ Neela Babu Sanjeev Rao, died on 07.02.1996 intestate at Chennai in the Apollo Cancer Hospital, Thenampet, Chennai 600 018 due to illness suffered and the deceased ordinarily resided at No.2E, Temple Trees Apartment at No.20, Venkatanarayana Road, Thiyagaraya Nagar, Chennai 600 017 and left the properties specified in the Schedule, within the jurisdiction of this Court. The deceased NBS Rao @ Neela Babu Sanjeev Rao, died intestate and due diligent search was made for any Will, but none was found. The 1st petitioner is the wife of the deceased, 2nd petitioner is the Son of the deceased 3rd petitioner is the daughter of deceased and these persons to succeed to his estate as his legal heirs. The father and mother of the deceased are predeceased. The deceased had not appointed any nominee for the securities, deposits and other

properties specified in the schedule. The some of the securities and deposits are accruing the periodical interest, bonus and additions as per the terms and conditions appended to the same. The petitioners submit that in order to streamline the said properties specified in the schedule and to collect and administer the same, the institutions and the companies are insisting to produce the succession certificate to effect the appropriate change in the records and to disperse the amount due. The requisite details and particulars are enclosed therewith for the appreciation of this Court. The amounts which ever comes out of the securities will be first used to discharge the liabilities and debts if any against the deceased NBS Rao and then to the expenses to procure the documents including the expenses incurred to obtain the Succession Certificate before the same could be shared among the petitioners.

3. There is no impediment under Section 370 of the Indian Succession Act 1925, or under any other provision of the Act or any other enactment to the grant of Succession Certificate or validity thereof if it were granted. The petitioners have truly setforth in the schedule the description of the Instrument, Securities, and Documents in respect of which the certificate is applied for. The Succession Certificate is required for the purpose of enabling the petitioners to claim, change the records and to receive the amounts stands in the name of the deceased NBS Rao. The assets in respect of which the

Succession Certificate is required, is of the Value of Rs.1,26,403.68 approximately. No application has been made in any District Court or to any High Court for the probate of any Will of the said deceased or for Letters of Administration with or without Will annexed for the deceased's properties and credits. No Application for 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 to any High Court. It is not intended to serve notice of this petition on any person since the petitioners are the only surviving heirs of the deceased. It is pertinent to mention that the petitioners have all duly, jointly constituted and appointed Mrs.Nalini N.Rao wife of late Mr.NBS Rao aged about 59 years residing at No.50-A, Sainidhil, Chembu-Ghatla, Mumbai 400 071 as their Agent and given the authorization and consent to her to act and procure the necessary records, claims, dues and amounts as specified in the schedule for and behalf of the petitioners in collective to administer, disperse the same.

4. The first petitioner, who examined herself as P.W.1, marked Exhibits P1 to P42.

1. Ex.P1 is the computer generated Death Certificate of 1st Petitioner's husband NBS Rao, who died on 07.02.1996.
2. Ex.P2 is the photocopy of legal heirship certificate dated 24.06.1996 in

- respect of 1st Petitioner's husband NBS Rao issued by Tahsildar, Mambalam-Guindy Taluk.
3. Ex.P3 is the photocopy of share certificate in GP Industries Ltd., bearing Certificate No.43142, which stands in the name of 1st Petitioner's husband NBS Rao.
 4. Ex.P4 is the photocopy of share certificate in Reliance Industries Ltd. Bearing Certificate No.16697902, which stands in the name of 1st Petitioner's husband NBS Rao.
 5. Ex.P5 is the photocopy of share certificate in Reliance Industries Ltd. bearing Certificate No.16697901, which stands in the name of 1st Petitioner's husband NBS Rao.
 6. Ex.P6 is the photocopy of share certificate in ELGI Finance Ltd., bearing Certificate No.041806, which stands in the name of 1st Petitioner's husband NBS Rao.
 7. Ex.P7 is the photocopy of share certificate in ELGI Finance Ltd., bearing Certificate No.18756, which stands in the name of 1st Petitioner's husband NBS Rao.
 8. Ex.P8 is the photocopy of share certificate in Torrent Gujarat Biotech Ltd., bearing Certificate No.00440059, which stands in the name of 1st Petitioner's husband NBS Rao.
 9. Ex.P9 is the photocopy of share certificate in Torrent Gujarat Biotech Ltd., bearing Certificate No.00069889, which stands in the name of 1st Petitioner's husband NBS Rao.
 - 10.Ex.P10 is the photocopy of share certificate in P.A.Mills India Ltd., bearing Certificate No.12536, which stands in the name of 1st Petitioner's husband NBS Rao.
 - 11.Ex.P11 is the photocopy of share certificate in P.A.Mills India Ltd.,

- bearing Certificate No.11430, which stands in the name of 1st Petitioner's husband NBS Rao.
- 12.Ex.P12 is the photocopy of share certificate in P.A.Mills India Ltd., bearing Certificate No.15909, which stands in the name of 1st Petitioner's husband NBS Rao.
- 13.Ex.P13 is the photocopy of share certificate in P.A.Mills India Ltd., bearing Certificate No.32075, which stands in the name of 1st Petitioner's husband NBS Rao.
- 14.Ex.P14 is the photocopy of share certificate in Shakti Roadmaster Foods Ltd., bearing Certificate No.029745, which stands in the name of 1st Petitioner's husband NBS Rao.
- 15.Ex.P15 is the photocopy of share certificate in Easer Oil Ltd., bearing Certificate No.754028, which stands in the name of 1st Petitioner's husband NBS Rao.
- 16.Ex.P16 is the photocopy of share certificate in Essar Oil Ltd., bearing Certificate No.1324010, which stands in the name of 1st Petitioner's husband NBS Rao.
- 17.Ex.P17 is the photocopy of share certificate in The Andhra Petrochemicals Ltd., bearing Certificate No.135026, which stands in the name of 1st Petitioner's husband NBS Rao.
- 18.Ex.P18 is the photocopy of share certificate in The Andhra Petrochemicals Ltd., bearing Certificate No.135025, which stands in the name of 1st Petitioner's husband NBS Rao.
- 19.Ex.P19 is the photocopy of share certificate in The Andhra Petrochemicals Ltd., bearing Certificate No.135027, which stands in the name of 1st Petitioner's husband NBS Rao.
- 20.Ex.P20 is the photocopy of share certificate in Sakthi Sugars Ltd.,

- bearing Certificate No.169583, which stands in the name of 1st Petitioner's husband NBS Rao.
- 21.Ex.P21 is the photocopy of share certificate in Sakthi Sugars Ltd., bearing Certificate No.169584, which stands in the name of 1st Petitioner's husband NBS Rao.
- 22.Ex.P22 is the photocopy of Detachable Warrant Certificate in Deepak Fertilizers and Petrochemicals Corporation Ltd., and Petrochemicals Corporation Limited bearing Certificate No.743185, which stands in the name of 1st Petitioner's husband NBS Rao.
- 23.Ex.P23 is the photocopy of Detachable Warrant Certificate in Deepak Fertilizers and Petrochemicals Corporation Ltd., bearing Certificate No.743184, which stands in the name of 1st Petitioner's husband NBS Rao.
- 24.Ex.P24 is the photocopy of Debenture Certificate in Deepak Fertilizers and Petrochemicals Corporation Limited bearing Certificate No.247685, which stands in the name of 1st Petitioner's husband NBS Rao.
- 25.Ex.P25 is the photocopy of Debenture Certificate in Deepak Fertilizers and Petrochemicals Corporation Limited bearing Certificate No.247684, which stands in the name of 1st Petitioner's husband NBS Rao.
- 26.Ex.P26 is the photocopy of Debenture Certificate in Nagarjuna Fertilizers and Chemicals Limited bearing Certificate No.699187, which stands in the name of 1st Petitioner's husband NBS Rao.
- 27.Ex.P27 is the photocopy of Debenture Certificate in Nagarjuna Fertilizers and Chemicals Limited bearing Certificate No.699188, which stands in the name of 1st Petitioner's husband NBS Rao.
- 28.Ex.P28 is the photocopy of Debenture Certificate in Torrent Gujarat Biotech Limited bearing Certificate No.00069878, which stands in the name of 1st Petitioner's husband NBS Rao.

- 29.Ex.P29 is the photocopy of Debenture certificate in Essar Oil Ltd., bearing Certificate No.374010, which stands in the name of 1st Petitioner's husband NBS Rao.
- 30.Ex.P30 is the photocopy of Debenture certificate in Essar Gujarat Ltd., bearing Certificate No.DC00408694, which stands in the name of 1st Petitioner's husband NBS Rao.
- 31.Ex.P31 is the photocopy of Essar Loyalty Coupon in Essar Gujarat Ltd., bearing Certificate No.LC00408694, which stands in the name of 1st Petitioner's husband NBS Rao.
- 32.Ex.P32 is the photocopy of letter of allotment bearing No.408694 in Essar Gujarat Ltd., which stands in the name of 1st Petitioner's husband NBS Rao.
- 33.Ex.P33 is the photocopy of KEC International Limited Warrant bearing No.39076, in respect of 1st Petitioner's husband NBS Rao.
- 34.Ex.P34 is the photocopy of KEC International Limited Warrant bearing No.30148, in respect of 1st Petitioner's husband NBS Rao.
- 35.Ex.P35 is the photocopy of KEC International Limited Warrant bearing No.27366-0, in respect of 1st Petitioner's husband NBS Rao.
- 36.Ex.P36 is the photocopy of KEC International Limited Warrant bearing No.25644, in respect of 1st Petitioner's husband NBS Rao.
- 37.Ex.P37 is the photocopy of KEC International Limited Warrant bearing No.0026278-1, in respect of 1st Petitioner's husband NBS Rao.
- 38.Ex.P38 is the photocopy of Deepak Fertilizers and Petrochemicals Corporation Limited Warrant bearing No.P168363, in respect of 1st Petitioner's husband NBS Rao.
- 39.Ex.P39 is the photocopy of Deepak Fertilizers and Petrochemicals Corporation Limited Warrant bearing No.P169624, in respect of 1st

Petitioner's husband NBS Rao.

40.Ex.P40 is the photocopy of Deepak Fertilizers and Petrochemicals Corporation Limited Warrant bearing No.P170449, in respect of 1st Petitioner's husband NBS Rao.

41.Ex.P41 is the photocopy of Post office savings Pass Book bearing No.ASN76919 at Ashok Nagar Post Office, Chennai, in respect of 1st Petitioner's husband NBS Rao. (I am filing photo copy as the original has been misplaced and I have asked for the duplicate of the same to the concerned post office and I have been advised to get a Succession Certificate from the competent Court of law).

42.The copy of the paper publication effected in one issue of Tamil daily "Malai Sudar" dated 04.02.2017 was marked as Ex.P42.

The 1st petitioner has further stated in her evidence that she 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 1st petitioner, I am satisfied that the 1st petitioner has succeeded the Estate of the deceased T.V.Durai Babu. Therefore, the petition is ordered as prayed for and a direction for the grant of Succession Certificate to the 1st petitioner is issued. She is directed to render accounts once in a year.

11.05.2017

jv

K.KALYANASUNDARAM, J.

jv

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11.05.2017

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