

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 29TH DAY OF JUNE 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.100 of 2018

In the matter of Indian  
Succession Act XXXIX of 1925  
and

In the matter of securities of  
Balakrishnan Decedent Intestate

1. B.Logeswari  
W/o. Late balakrishnan,  
No.23/19, Vaithyanathan Street,  
Shenoy Nagar, Chennai 30.

2. B.Sivakumar,  
S/o. Late balakrishnan,  
NO.9, Thiruvalluvar Street,  
Kennedy Square, Thiru.Vi Ka Nagar,  
Perumbur, Chennai 11.

3. B.Muralidharan,  
S/o. Late Balakrishnan,  
No.31, 3rd Cross Street,  
Thirumalai Nagar Extension,  
Kolathur, Chennai 99.

4. B.Shanmugam,  
S/o. Late balakrishnan,  
No.16/9, Flat-B, Block 2,  
Rajus Serentiy, New Natarajapuram Street,  
Ayyavoo Colony, Aminijkarai,  
Chennai 29.

5. B.Malathi,  
D/o. Late Balakrishnan,  
W/o. K.Sathishkumar,  
No.23/19, Vaithyanathan Street,  
Shenoy Nagar, Chennai 30.

...Petitioners

Original petition Application praying that this Hon'ble Court be pleased to that a succession certificate may be granted to the 1st petitioner with the power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities specified in the

schedule hereunder.

This Original Petition coming on this day before this court for hearing, the court made the following order:

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, 1956 to grant succession certificate in favour of the first petitioner.

2. It is the case of the petitioners that the deceased Balakrishnan, died on 05.02.2016 and he was ordinarily residing at No.23, Vaithyanathan Street, Shenoy Nagar, Chennai 600 030. The first petitioner is the wife of the deceased Balakrishnan and petitioners 2 to 5 are the sons and daughter of the deceased. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. According to the petitioners, they are the Class-I legal heirs of the deceased and are entitled to the share of the estate. The succession certificate is required for the purpose of transmission of shares. The said assets in respect of which the succession certificate is required is of the value of Rs.37,91,201/-. No application for a succession certificate in respect of any Shares or debt or securities belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court.

3. The petitioner examined herself as P.W.1 and marked Exs.P1 to P16.

(i)Ex.P1 is the computer generated death certificate of the deceased C.Balakrishnan, who died on 05.02.2016.

(ii)Ex.P2 is the photocopy of the legal heirship certificate dated 22.04.2016 in respect of the first petitioner's deceased husband.

(iii)Ex.P3 to Ex.P9 are the photocopies of the share certificates held by the deceased husband C.Balakrishnan in

