

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 02ND DAY OF JANUARY 2018

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

O.P.No. 446 of 2017

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of securities
belonging to the G.Muthuswami
- deceased intestate

1. M.Meera,
D/o. Mr.G.Muthuswami,
CG-3, Villa Espana,
No.158, Velachery Main Road,
Velachery, Chennai 600 042.

2. Mr.M.Sivakumar,
S/o.Mr.G.Muthuswami,
Flat No.779, Statuin 14,
Aliens Space Station, Tellapur,
Medak, Telangana-502032.

3. Mr.M.Ganesh Mohan,
S/o. Mr.G.Muthuswami,
CG-3, Villa Espana,
No.158, Velachery Main Road,
Velachery, Chennai 600 042.

..Petitioners

Original petition praying that this Hon'ble Court be
pleased to a Succession Certificate may be granted to the
3rd Petitioner with Power to collect the securities and to
receive interest, dividends thereon and negotiate and
transfer the securities specified in the Schedule hereto.

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, to grant
succession certificate in favour of the third petitioner.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that G.Muthuswami died on 22.08.2003 and the deceased was ordinarily residing at A-14/4, 22nd Cross Street, Besant Nagar, Chennai - 600 090. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The wife of the deceased predeceased him on 27.05.1980. The deceased died leaving the petitioners as his Class-I legal heirs. They claim to be entitled a share to the 50 shares held in M/s. MRF Ltd., Chennai which are in the name of the deceased and also held in physical possession which are not de-matted by the deceased until his death.

4. The the third petitioner has got consent affidavit from all other legal heirs of the deceased. On 14.12.2016, the Original Share Certificates of schedule property is lost and a complaint was duly lodged and the Non-Traceable Certificate was obtained in favour of third petitioner. The succession certificate is required for the purpose of transmission of 50 shares held under DP-ID/Client ID/Folio No. M03666 of M/s. MRF Ltd., held in the name of the deceased in favour of the third petitioner, which are not dematted by the deceased until his death. The said amount in respect of which the succession certificate is required are of the value of Rs.25,00,000/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of the third petitioner with power to collect the securities and to receive interest, dividends thereon and negotiable and transfer the securities specified in the schedule hereunder.

5. The third petitioner examined herself as P.W.1 and marked Exs.P-1 to P-8 viz.,

Ex.P1 is the original death certificate of my father G.Muthuswami, who died on 22.08.2003;

Ex.P2 is the photocopy of the legal heirship certificate dated 28.10.2016 in respect of my deceased mother G.Muthuswami. (Marked after comparing and verifying with the original);

Ex.P3 Series (2 Nos.) are the photocopies of the PAN Cards of petitioner 1 and 2 (Marked after comparing and verifying with the original);

Ex.P4 is the photocopy of the letter dated 26.12.2016 addressed to my father G.Muthuswami by MRF Limited. (Marked after comparing and verifying with the original);

Ex.P5 is the photocopy of the Non Traceable certificate dated 11.02.2017 issued by Inspector of Police, B-4, High Court Police Station, Chennai -104. (Marked after comparing and verifying with the original);

Ex.P6 is the consent affidavit given by the first petitioner;

Ex.P7 is the consent affidavit given by the second petitioner;

Ex.P8 is a one copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 11.08.2017.

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

6. Petitioners 1 & 2 have filed their consent affidavits, stating no objection for grant of succession certificate in favour of the third petitioner.

7. Considering the above stated facts and circumstances, I am satisfied that the third petitioner has succeeded to the Estate of the deceased G.Muthuswami.

Therefore, this Petition is ordered as prayed for and a direction for grant of Succession Certificate to the third petitioner with the power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule, is issued.

Sd/C.V.K.J

02.01.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/27.06.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.