

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 07TH DAY OF MARCH 2018

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

O.P.No.793 of 2017

In the matter of Indian
Succession Act, XXXIX of 1925
And

In the matter of securities of
R.Devandra Babu - deceased
intestate

1.D.Kanchana,
W/o Late. R.Devendra Babu
No.26, Thangavelu Vaidheyar Street
Triplicane,
Chennai - 600 005.

2.D.Bhuvanesh Babu
S/o Late. R.Devendra Babu
100, LIG 1,2nd Street,
TNHB Colony
Velacherry
Chennai 600 042

3.V.Renuka
W/o.N.Venkatesh
No.23/47, F4, Karaneeswarar Kovil Street
Mylapore
Chennai 600 042.

4.D.Rangiah Babu
S/o.Late R.Devendra Babu
No.26, Thangavelu Vaidheyar Street,
Triplicane
Chennai 600 005

5.G.Radhika
W/o.R.Gopinath
A P, 46, 15th Central Cross Street,
MKB Nagar, Vyasarpadi
Chennai 600 039

...Petitioner

Original petition praying that this Hon'ble Court be pleased to a succession certificate may be granted to the Second Petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule hereto limited to the state of Tamil Nadu and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the 2nd petitioner D.Bhuvanesh Babu.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that R.Devendra Babu died intestate on 16.08.1993. The 1st petitioner is the Wife, 2nd and 4th petitioners are Sons and 3rd and 5th petitioners are daughters of the deceased R.Devendra Babu, and they are the only surviving Class-1 legal heirs for the deceased claims. The petitioners are entitled to a share in the whole estate of the deceased and the parents of the deceased predeceased him. The deceased R.Devendra Babu, at the time of death resided at No.32, Musthura Begum, Royapettah, Chennai - 600014 due to family partition.

4. The deceased died intestate and that due and diligent search has been made for a Will, but none has been found. The said deceased R.Devendra Babu at the time of his death left his surviving wife and four children, the petitioners herein.

5. The succession certificate is required for the purpose of transfer of shares standing in the name of deceased to the name of the petitioners. The said assets in respect of which the succession certificate is required are of the value of Rs.8,53,554.25/-.

6. 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 2nd Petitioner D.Bhuvanesh Babu, with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule.

7. The 2nd petitioner examined herself as P.W.1 and marked Exs.P1 to P13 viz.,

Ex.P1 is the original death certificate of P.W1's father R.Devendra Babu, who died on 16.08.1993.

Ex.P.2 is the photocopy of the certificate copy of the legal heriship certificate dated 02.12.1993 in respect of P.W1's father R.Devendra Babu.

Ex.P.3 is the consent affidavit given by the 1st petitioner.

Ex.P.4 is the consent affidavit given by the 3rd petitioner.

Ex.P.5 is the consent affidavit given by the 4th petitioner.

Ex.P.6 is the consent affidavit given by the 5th petitioner.

Ex.P7 series are the photocopies of the share certificates and dividend payment receipts, in respect of the shares held by P.W1's father R.Devendra Babu in Reliance Group of Companies.

Ex.P8 (series 2 Nos.) are the photocopies of the share certificates standing in the name of P.W1's father R.Devendra Babu, issued by Deepak Fertilizers and Petrochemical Corporation Limited.

Ex.P9 is the photocopy of the share certificate standing in the name of P.W1's father R.Devendra Babu, issued by Asian Paints Limited.

Ex.P10 (Series 2 Nos) are the photocopies of the share certificates standing in the name of P.W1's father R.Devendra Babu, issued by Apcotex Industries Limited.

Ex.P11 series are the computer generated statements showing share value of the shares mentioned above as on 09.08.2017.

Ex.P12 is the photocopy of P.W1's Aadhar card bearing No.319551716543.

Ex.P13 is a copy of paper publication effected in one issue of Tamil daily "Malai Sudar" dated 26.11.2017.

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

8. 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 R.Devendra Babu. Therefore, the petition is ordered as prayed for and a direction forgrant of Succession Certificate to the 2nd petitioner D.Bhuvanesh Babu, with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule. The 2nd petitioner is directed to render accounts once in a year.

Sd/.C.V.K.J
07.03.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/26.10.2018

COURT OFFICER

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