

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 7TH DAY OF FEBRUARY 2018

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

O.P. No.842 OF 2017

In the matter of the Indian Succession
Act XXXIX of 1925

And

In the matter of Securities of
Mr.K.B.A.ZAINUL ABDEEN deceased
Intestate.

1.Mrs.M.N.ZULAIHA,
Wife of Late.K.B.A.Zainul Abdeen
No.112, 2nd Floor,
Atkinson Road,
Vepery, Chennai - 600 007

2.Mr.K.BAZUL ASHAB,
S/o.Kulam Zainul Abdeen,
No.82, Angappan Street,
Chennai - 600 001.

3.Mrs.S.T.ZULAIHA
Wife of K.Bazul Ashab,
No.82, Angappan Street,
Chennai - 600 001.

4.K.Z.SYED MUBARAKA,
D/o.Late K.B.A.Zainul Abdeen,
No.112, 2nd Floor,
Atkinson Road,
Vepery, Chennai - 600 007

5.K.Z.AYSHA HUMARIA

D/o.Late K.B.A.Zainul Abdeen,
No.112, 2nd Floor,
Atkinson Road,
Vepery, Chennai - 600 007

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant SUCCESSION CERTIFICATE to them with the power to collect the Securities and to receive the Interest Dividends on and negotiate and transfer the securities specified in the Schedule "A" and "B" 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, to grant succession certificate in favour of the petitioner.

2.Heard the learned counsel for the petitioner.

3.It is the case of the petitioners that Mr.K.B.A.Zainul Abdeen died on 11.06.2004 at Mehtas Hospital Private Ltd, Chennai and the petitioners and the deceased Mr.K.B.A.Zainul Abdeen were ordinarily and permanently residing at No.112, 2nd Floor, Atkinson Road, Vepery, Chennai. The deceased died intestate and though due and diligent search has been made for a Will, nothing has been found. The deceased left certain securities as specified in the Schedule "A" and Schedule "B", within the jurisdiction of this Court.

4.The 1st petitioner Mrs.M.N.Zulaiha is the wife of the deceased K.B.A.Zainul Abdeen, the 2nd petitioner Mr.K.Bazul Ashab is the father of the deceased, the 3rd petitioner S.T.Zulaiha is the mother of the deceased, the 4th petitioner is the daughter of the deceased and the 5th petitioner K.Z.Aysha Humaria is the another daughter of the deceased and they are Class-I legal heirs of the deceased Mr.K.B.A.Zainul Abdeen. The succession certificate is required for the purpose of transfer or sell the Share Certificates and to collect the securities and to receive the interest thereon as mentioned in the schedule from the name of the deceased to the name of the petitioners. The total amount in respect of which the succession certificate is required are of the value of Rs.27,27,474/-. 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 the petitioners name with a power to collect the securities and to receive interest and Dividends thereon and negotiate and transfer the securities specified in the schedule "A" and "B" hereunder.

4.The 2nd petitioner-father of the deceased examined himself as P.W.1 and marked Exs.P1 to P10 viz.,

Ex.P1 is the photocopy of the death certificate of deceased KBA.Zainul Abdin, who died on 11.06.2004.

Ex.P2 is the photocopy of Legal Heirship Certificate dated 15.10.2004 in respect of deceased KBA.Zainul Abdin.

Ex.P3 is the computer generated statement of holding dated 08.03.2017.

Ex.P4 is the photocopy of the share certificate bearing certificate No.0097802 standing in the name of deceased KBA.Zainul Abdin, issued by India Castor Limited.

Ex.P5 series(2 Nos.)are the photocopies of the share certificates bearing certificate Nos.30185 & 505480, standing in the name of deceased KBA.Zainul Abdin issued by Vista Pharmaceuticals Limited.

Ex.P6 series(2 Nos.)are the photocopies of the share certificates bearing certificate Nos.00010675 & 0024041, standing in the name of KBA.Zainul Abdin, issued by Nihon Electronics Limited.

Ex.P7 series(2 Nos.)are the photocopies of the share certificates bearing certificate Nos.0004372 & 0004371, standing in the name of KBA.Zainul Abdin, issued by Nihon Electronics Limited.

Ex.P8 series(2 Nos.) are the photocopies of the share certificates bearing certificate Nos.022254 & 022255, standing in the name of KBA.Zainul Abdin, issued by Tatanagar Bricks Limited.

Ex.P9 is the photocopy of the share certificate bearing certificate No.00231976, standing in the name of KBA.Zainul Abdin, issued by Reliance Polypropylene Limited.

Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 01.12.2017.

He further stated in his evidence that he 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 petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Mr.K.B.A.Zainul Abdeen. Therefore, this petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule "A" and "B" hereunder, is issued.

Sd./- C.V.K.J.

13.02.2018

//Certified to be true copy//

Dated at Madras this the th day of 2018.

COURT OFFICER (O.S.)

TPY/14.02.2018

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.