

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.908 of 2017

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

In the matter of securities of
R.Padmanabhan -- Died
Intestate

1.K.P.Saroja
W/o.Late.R.Padmanabhan
Old no.11, (New No.6)
Thanappa Street
Triplicane,
Chennai 600 005.

2. P.Padmini
W/o.B.S.Padmanabhan
Old No.s40 (New No.3)
32nd Cross Street
Besant Nagar,
Chennai 600 090.

3. Vasanthi Ravi
W/o.P.Ravi
Old no.15, (New No.27)
Madhava Perumal Kovil Street
Mylapore,
Chennai 600 004.

4. Venkatesan Kota Padmanabhan
S/o.Late.R.Padmanabhan
116, Bobolink Ct, Wayne, New Jersey 07470
U.S.A.
Rep.by his Power Agent P.Padmini
W/o.B.S.padmanabhan
Old No.S40 (New No.3)
32nd Cross Street
Besant Nagar,
Chennai 600 090.

..Petitioners

<https://hcservices.ecourts.gov.in/hcservices/> Original petition Application praying that this Hon'ble
Court be pleased to that 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 .

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 P.Padmini.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that R.Padmanabhan died intestate on 28.06.2017. The 1st petitioner is the Wife, 2nd and 3rd petitioners are Daughters and 4th petitioner is a Son of the deceased R.Padmanabhan, 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.Padmanabhan, ordinarily resided at Old No.11 (New No.6) Thanappa Street, Triplicane, Chennai - 600 005.

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.Padmanabhan at the time of his death left his surviving wife and three 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.17,64,372.40/-.

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 P.Padmini, 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 P9 viz.,

Ex.P1 is the computer generated copy of the death certificate of P.W.1's father R.Padmanabhan, who died on 28.06.2017.

Ex.P.2 is the photocopy of Legal Heirship Certificate dated 06.09.2017 in respect of P.W.1's father.

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.P5 is the original special Power of Attorney dated 27.07.2017 executed by P.W1's brother Kota Padmanabhan Venkatesan, the 4th petitioner in favour of P.W1.

Ex.P6 Series (37 Nos.) are the copies of the share certificates in the name of P.W1's deceased father.

Ex.P7 is the computer generated copy of the share value.

<https://hcservices.ecourts.gov.in/hcservices/>

Ex.P8 is the computer generated copy of P.W1's Aadhaar

Card bearing no.8969 4059 0653.

Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 03.01.2018.

She has further stated in his evidence that she has not filed any other 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.Padmanabhan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 2nd petitioner P.Padmini, 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.

KY/05.09.2018

COURT OFFICER

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