

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 28th DAY OF NOVEMBER 2018

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P. No.492 of 2018

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

and

In the matter of securities of  
Late Mr.N.Sundaram @  
Neelakanta Sundaram and  
Mrs.S.Lalitha @ Lalitha  
Sundaram Deceased

1.Mr.S.Balchand,  
S/o. Late Mr.N.Sundaram @  
Neelakanta Sundaram,  
residing at 202, 2<sup>nd</sup> Street,  
SRP Colony, Jawahar Nagar,  
Chennai 600 082

2.Mrs.N.Saraswathi,  
W/o.Late Mr.V.Narayanan  
residing at No.44-B,  
8<sup>th</sup> Street, Rajus Marvel,  
SRP Colony, Jawahar Nagar,  
Chennai 600 082

3.Mrs.V.Sulochana,  
residing at No.192/7,  
3<sup>rd</sup> Street, SRP Colony,  
Jawahar Nagar, Chennai 600 082

...Petitioners

Original Petition praying that this Honble Court  
be pleased to grant succession certificate in favour of the  
petitioners with power to collect the securities with  
interest and dividends on and negotiate and transfer the  
securities in petition

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 petitioners.

2.It is the case of the petitioners that N.Sundaram @ Neelakanta Sundaram and S. Lalitha @ Lalitha Sundaram, who were the father and mother of the petitioners died respectively on 21.12.1995 and 26.02.2001 at 202, SRP Colony 2<sup>nd</sup> Street, Jawahar Nagar, Chennai - 600 082 and at K.S.Hospital, Kilpauk, Chennai - 600 010 respectively. The deceased were ordinarily residing at 202, SRP Colony 2<sup>nd</sup> Street, Jawahar Nagar, Chennai - 600 082 and at the time when they were with their son / 1<sup>st</sup> petitioner and they left the shares specified in the schedule. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner is the son of the deceased. Petitioners 2 and 3 are the daughters of the deceased. Petitioners 1 to 3 are the only legal heirs of the deceased and entitled to claim and transfer the security in their favour. The parents of the deceased predeceased them. The succession certificate is required for the purpose of transmission of shares standing to the credit of the deceased. The assets in respect of which the succession certificate is required are of the value of Rs.31,02,458.47. No application for a succession

certificate in respect of any debt or security belonging to the estate of the said deceased 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 petitioners with power to collect the securities with interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

3.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P22 viz.,

Ex.P1 is the original authorization letter dated 29.10.2018 given by the petitioners 2 and 3 authorizing the 1<sup>st</sup> petitioner to adduce evidence in this OP.

Ex.P2 is the original death certificate of petitioners father N. Sundaram, who died on 21.12.1995.

Ex.P3 is the photocopy of the Legal Heirship Certificate dated 08.07.1996 in respect of petitioners deceased father N. Sundaram.

Ex.P4 is the original death certificate of petitioners mother Lalitha, who died on 26.02.2001.

Ex.P5 is the photocopy of the Legal Heirship Certificate, dated 10.09.2001 in respect of petitioners deceased mother Lalitha.

Ex.P6 is the photocopy of the share certificate issued by the Andhra Cement Company Limited in the name of petitioners deceased mother Lalitha Sundaram.

Ex.P7 (series 5 Nos) are the photocopies of the shares

certificates, issued by Unit Trust of India standing in the name of petitioners deceased father Neelakanda Sundaram.

Ex.P8 (series 2 Nos.) are the photocopies of the shares certificates, issued by SM Dyechem Limited standing in the name of petitioners' deceased father Neelakandan Sundaram.

Ex.P9 is the photocopy of the share certificate, issued by Godrej Foods Limited standing in the name of petitioners deceased mother Lalitha Sundaram.

Ex.P10 is the photocopy of the share certificate issued by Videocon Appliances Limited standing in the name of petitioners deceased father Sundaram Neelakantan.

Ex.P11 (series 4 Nos.) are the photocopies of the shares certificates issued by Harita Grammer Limited standing in the name of petitioners mother Lalitha Sundaram.

Ex.P12 is the photocopy of the share certificate issued by MCC Finance Limited standing in the name of petitioners deceased mother Lalitha Sundaram.

Ex.P13 is the photocopy of the share certificate issued by Shriram Transport Finance Company Limited, jointly standing in the names of petitioners deceased mother Lalitha Sundaram and deceased father Neelakanta Sundaram.

Ex.P14 is the photocopy of the share certificate issued by Harita Seating Systems Limited standing in the name of petitioners deceased mother Lalitha Sundaram.

Ex. P15 is the photocopy of the share certificate issued by WABCO - TVS (India) Limited standing in the name of petitioners deceased father Neelakanta Sundaram.

Ex. P16 is the photocopy of the share certificate issued by Carborundum Universal Limited standing in the name of petitioners deceased mother Lalitha Sundaram.

Ex. P17 is the photocopy of the share certificate issued by Sundaram Clayton Limited standing in the name of petitioners deceased father Neelakanta Sundaram.

Ex. P18 is the photocopy of the share certificate issued by Sundaram Investment Limited standing in the name of petitioners deceased father Neelakanta Sundaram.

Ex. P 19 (series 2 Nos.) are the photocopies of the shares certificates issued by The Bombay Dyeing and Manufacturing Company Limited standing in the name of petitioners deceased father Neelakanta Sundaram.

Ex. 20 is the photocopy of the share certificate issued by Whirlpool of India Limited standing in the name of petitioners deceased father Neelakanta Sundaram.

Ex. 21 is the photocopy of the inland letter card containing accounts summary in respect of the shares jointly held by petitioners deceased mother Lalitha Sundaram and the 2<sup>nd</sup> petitioner herein viz. Saraswathi in Franklin India Prima Fund.

Ex.P22 is one copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 02.08.2018.

He has 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 N.Sundaram @ Neelakanta Sundaram and S.Lalitha @ Lalitha Sundaram Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts and to receive

the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued. The petitioners are directed to render account once in a year.

sd/-M.K.K.S.J

28.11.2018

//Certified to be a true copy//  
Dated this the            day of            2019.

R.s/19.06.2019

COURT OFFICER

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



WEB COPY