

O.P.No.515 of 2018**K.KALYANASUNDARAM, J.**

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules.

2. In the petition, it is stated that the deceased T.K.M.Sabapathy ordinarily resided at No.8/110, Chinna Street, Thirunageswaram, Kundrathur, Chennai - 600 069 and died on 21.01.2014 and left the properties within the jurisdiction of this Court. The deceased executed the Will, dated 17.08.1998 at Kundrathur and he got the Will registered as Document No.35 of 1998, in Book No.III, on the file of the Sub Registrar, Poonamallee. The deceased at the time of his death left behind the petitioners as his surviving legal heirs or next of kin. The petitioners are the wife, daughter and sons of the deceased, who claims to be entitled for the share of the estate of the deceased. The succession certificate is required for the purpose of claiming the investments, shares for the value of Rs.1,57,60,000/-.

3. It is further stated that the respondents 1, 2, 4 and 5 have no objection for granting succession certificate in favour of the third respondent and they have given affidavit of consent to that effect. There is no impediment under Section 370 of the Indian Succession Act, 1925 or

under any other provisions of this Act or any other enactment to grant of certificate or the validity thereof if it were granted. No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits. No application for a succession certificate in respect of any security belonging to the estate of the said deceased has been made to any District Court or delegates or to any High Court. Hence, the petitioners have approached this Court for grant of Succession Certificate to the third petitioner with power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities as specified in the schedule.

4. The third petitioner examined himself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P9.

i) Ex.P1 is the original death certificate of his father T.K.M.Sabapathy, who died on 21.01.2014.

ii) Ex.P2 is the original Legal Heirship certificate dated 27.03.2014 in respect of his father T.K.M.Sabapathy.

iii) Ex.P3 is the original letter dated 26.4.2018 received from the Ramco Cements Limited addressed to P.W.1 with regard to transmission of shares held by his father T.K.M.Sabapathy.

iv) Ex.P4 is the photocopy of the Will dated 17.8.1998 executed by

his father T.K.M.Sabapathy Mudaliar registered as Doc.No.35 of 1998 at SRO, Poonamallee.

v) Ex.P5 is the photocopy of missing certificate given by K2 Ayanavaram Police Station (Crime), Chennai - 23, dated 03.04.2018 in respect of some missing shares held by his father T.K.M.Sabapathy.

vi) Ex.P6 is the original letter received from the Ramco Cements Limited dated 29.5.2018 addressed to P.W.1 with regard to transmission of shares held by his father T.K.M.Sabapathy Mudaliar.

vii) Ex.P7 is the consent affidavit given by the 1st petitioner stating that she has no objection in granting succession certificate as prayed in the petition.

viii) Ex.P8 is the joint consent affidavit given by 1st, 2nd, 4th and 5th petitioners given to P.W.1 to give evidence in this petition.

ix) Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 15.8.2018.

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

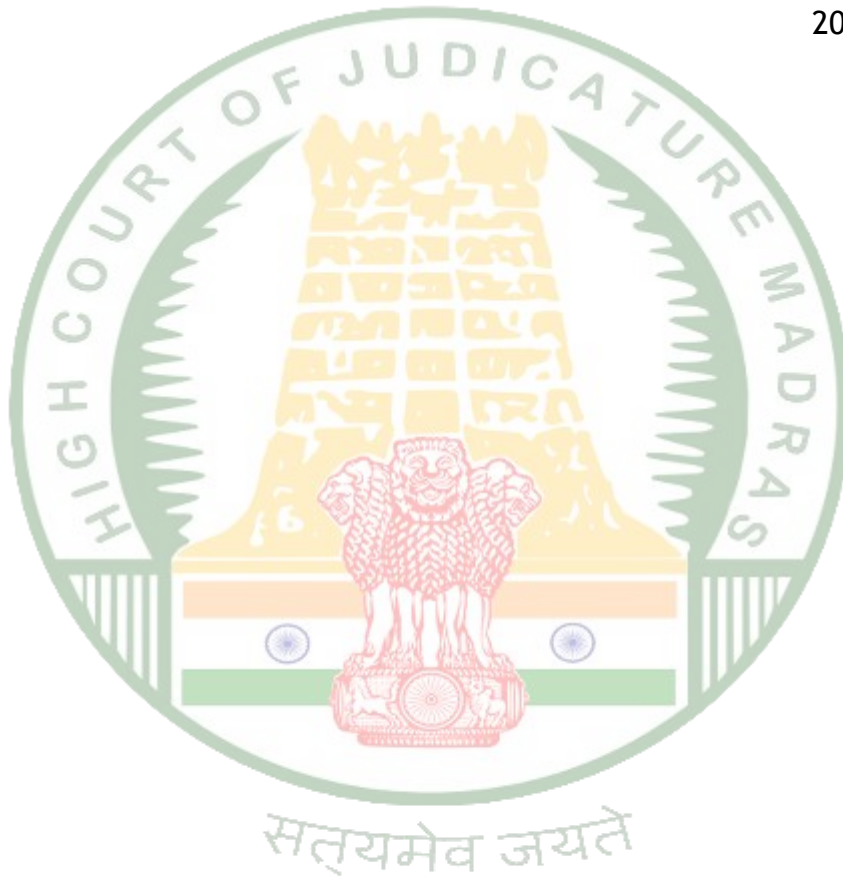
5. Considering the averments made in the petition and the documents filed by the third petitioner, I am satisfied that the third petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession

Certificate to the third petitioner with power to collect the debts and to receive interest, dividends thereon and negotiate and transfer, is issued.

The third petitioner is directed to render account once in a year.

20.12.2018

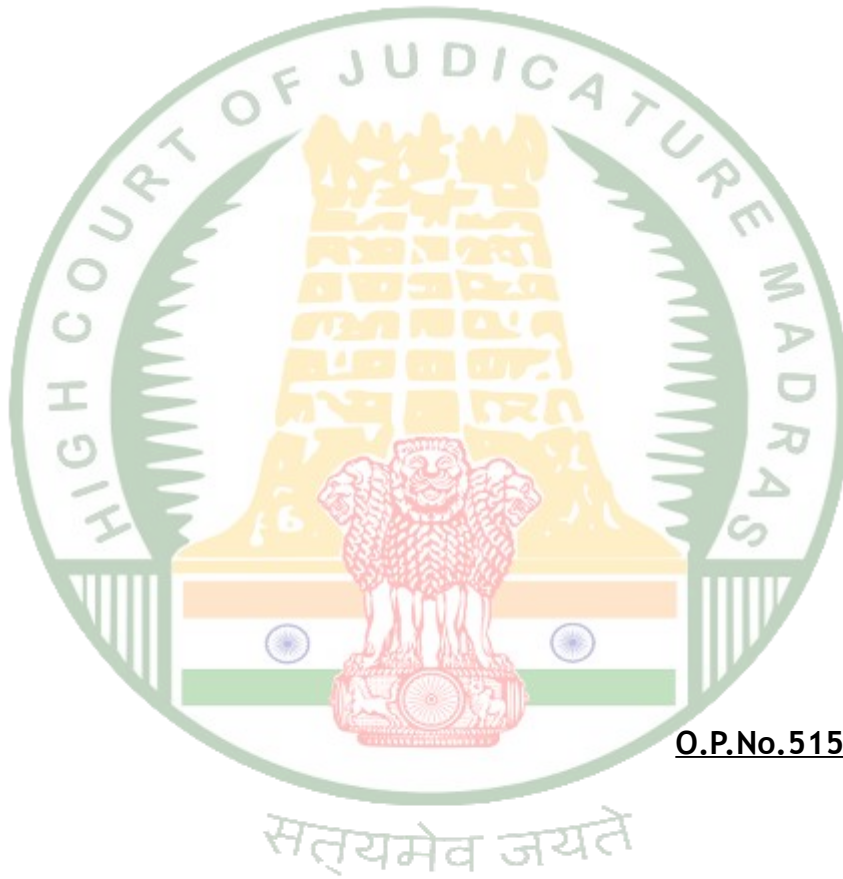
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