

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

DATED, THE 27TH DAY OF NOVEMBER 2018

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

O.P.No.681 of 2018

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of certain
securities of N.K.Nagarajan
(Deceased Intestate)

and
Lakshmi Nagarajan (Deceased
Intestate)

1.N.Shivakumar,
Son of late N.K.Nagarajan,
C-502, Gopalan Jewels Apartments,
Kanakapura Road,
Doddakallasandra,
Bengaluru 560062

2.Mrs.Kasturi Ramanath,
Daughter of late N.K.Nagarajan,
Plot No.11 Door NO.28
Ashok Nagar 3rd Street,
Kochadai, Madurai 625016

3.Mrs.Jayashree Rao,
Daughter of late N.K.Nagarajan,
231, Kenney drive, Sewickley
PA 15143, USA

...Petitioners

Original Petition praying that this Honble Court
be pleased to grant a succession certificate to the first
petitioner herein with power to collect the securities and
to receive dividends thereon and negotiate and transfer
securities specified in the Schedule A, B and C in the
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 the first petitioner.

2. It is the case of the petitioners that the deceased N.K.Nagarajan was ordinarily residing at New No.44, Old No.66, Venkatarathnam Nagar, Adyar, Chennai - 600 020 and died on 26.12.1986, leaving behind the petitioners as his legal heirs. The first petitioner is the son and the second and third petitioners are the daughters of the deceased N.K.Nagarajan. The wife of the deceased and the mother of the petitioners, viz., Lakshmi Nagarajan died on 22.10.2009 in Madurai. It is further submitted that both the deceased ordinarily resided and left the schedule A, B and C mentioned properties specified in the schedules within the jurisdiction of this Court. The deceased N.K.Nagarajan and his wife Lakshmi Nagarajan died intestate and that due and diligent search has been made for a Will, none has been found. It is further stated that the legal-heirship certificate issued by the Tahsildar, Mylapore-Triplicane Taluk, Chennai - 600 028 dated 22.04.2010 bearing Nos.2693 & 2692 of 2010, evidences the next of kin left behind by the deceased N.K.Nagarajan and his wife Lakshmi. There are no other persons entitled to succeed to his estate. As

Lakshmi Nagarajan, they claim to be entitled to a share in the securities / shares which the deceased and his wife were holding in companies jointly as detailed under in Schedule A, and C and Schedule B which was held by Lakshmi Nagarajan alone, who is the mother of the petitioners. The second and third petitioners have given consent affidavits as they have no objection for the succession certificate being granted in the name of the first petitioner. 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 the grant of the certificate or the validity thereof if it were granted. They have truly set forth in schedule A,B and C, the securities in respect of which the succession is applied for. The succession is required for the purpose of transmission of the shares standing in the name of the deceased N.K.Nagarajan and his wife Lakshmi Nagarajan to that of all the petitioners. The said asset in respect of which the succession certificate is required are of the value of Rs.1,42,32,155/-. No application has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased N.K.Nagarajan or his wife Lakshmi Nagarajan or for Letters of Administration with or without the Will annexed to his properties and credits. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased N.K.Nagarajan and his wife Lakshmi Nagarajan 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 to the first petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

3. The first petitioner was examined as P.W.1 and marked Exs.P1 to P59 viz.,

Ex.P1 is the original death certificate of Mrs.N.Lakshmi, who died on 22.10.2009

Ex.P2 is the original death certificate of Mr.Nagarajan, who died on 26.12.1986

Ex.P3 is the photocopy of the Legal-heirship Certificate dated 22.04.2010

Ex.P4 is the photocopy of the Legal-heirship Certificate dated 22.04.2010

Ex.P5 (Series 5 Nos.) are the photocopies of the share certificates of Larsen & Toubro Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao

Ex.P6 is the photocopy of the share certificate of Ultra Tech Cemco Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao

Ex.P7 (series 2 Nos) are the photocopies of the share certificates of Mahindra & Mahindra Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P8 is the photocopy of the share certificate of TATA Motors Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P9 (Series 2 Nos) are the photocopies of the share certificates of GKW Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P10 (Series 2 Nos) are the photocopies of the share certificates of Graphite India Limited in the names of

Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P11 (Series 5 Nos) are the photocopies of the share certificates of Good Year India Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P12 (Series 9 Nos) are the photocopies of the share certificates of Sakthi Sugars Limited in the names of Lakshmi Nagarajan and NK Nagarajan

Ex.P13 is the photocopy of the share certificate of Apollo Hospitals Enterprises Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P14 (Series 6 Nos) are the photocopies of the share certificates of Madras Rubber Factory Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P15 (Series 4 Nos) are the photocopies of the share certificates of M.M.Rubber Company Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P16 (Series 4 Nos) are the photocopies of the share certificates of Gujarat Narmada Valley Fertilizers Company Limited in the names of Kuppusamy Somasundaram Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P17 (Series 3 Nos.) are the photocopies of the share certificates of Ambalal Sarabhai Enterprises Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P18 is the photocopy of the share certificate of Sarabhai Electronics Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P19 (Series 12 Nos) are the photocopies of the share certificates of Escorts Limited in the name of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P20 (Series 13 Nos) are the photocopies of the share certificates of Coates of India Limited in the names of Lakshmi Nagarajan and Namakal KR Nagarajan

Ex.P21 is the photocopy of the share certificate of Kunal Machinery Manufacturers Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P22 (Series 5 Nos) are the photocopies of the share certificates of Kunal Engineering Company Limited in the names of Lakshmi Nagarajan and NK Nagarajan

Ex.P23 is the photocopy of the share certificate of Ricoh India Limited in the name of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P24 (Series 20 Nos) are the photocopies of the share certificates of the Associated Cement Companies Limited in the name of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P25 (Series 7 Nos) are the photocopies of the share certificates of Kothari (Madras) Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P26 (Series 17 Nos) are the photocopies of the share certificates of TATA Chemicals Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P27 is the photocopy of the share certificate of Indian Duplicator Company Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P28 is the photocopy of the share certificate of Vitta Mazda Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P29 (Series 3 Nos) are the photocopies of the share certificates of Laec Pums Limited in the names of Lakshmi Nagarajan and K.Nagarajan

Ex.P30 is the photocopy of the share certificate of Teamec Chlorates Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P31 (Series 12 Nos) are the photocopies of the share certificates of the Tata Mills Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P32 (Series 2 Nos) are the photocopies of the share certificates of Shri Ram Fibres Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P33 is the photocopy of the share certificate of Vijayanagar Textiles Limited in the names of Lakshmi

Nagarajan and Namakal Krishnarao Nagarajan

Ex.P34 is the photocopy of the share certificate of Centron Industrial Alliance Limited in the name of Lakshmi Nagarajan

Ex.P35 (Series 6 Nos) are the photocopies of the share certificates of Wheels India Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P36 (Series 16 Nos) are the photocopies of the share certificates of Reliance Industries Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P37 (Series 2 Nos) are the photocopies of the share certificates of Reliance Enterprises Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P38 (Series 2 Nos) are the photocopies of the share certificates of Reliance Energy Ventures Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P39 (Series 2 Nos) are the photocopies of the share certificates of Reliance Capital Ventures Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P40 (Series 2 Nos) are the photocopies of the share certificates of Reliance Communication Ventures Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P41 is the photocopy of the share certificate of Reliance Natural Resources Limited in the name of Lakshmi Nagarajan

Ex.P42 (Series 2 Nos) are the photocopies of the share certificates of Reliance Power Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P43 (Series 2 Nos) are the photocopies of the share certificates of Reliance Energy Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P44 (Series 2 Nos) are the photocopies of the share certificates of Reliance Capital Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P45 is the photocopy of share certificate of Unit Trust of India in the names of Lakshmi Nagarajan

Ex.P46 (Series 8 Nos.) are the photocopies of the share certificates of the Raymnd Woolen Mills Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P47 is the photocopy of the share certificate of Mafatlal Industries Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P48 is the photocopy of the share certificate of Navin Flourine International Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P49 (Series 8 Nos) are the photocopies of the share certificates of National Organic Chemical Industries Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P50 (Series 2 Nos) are the photocopies of the share certificates of Elecon Engineering Company Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P51 is the photocopy of the share certificate of Voltas Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P52 is the photocopy of the share certificate of Oswali Chemicals Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P53 is the photocopy of the share certificate of Greaves Cotton Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P54 (Series 5 Nos) are the photocopies of the share certificates of the Indian Hotal Company Limited in the names of Lakshmi Nagarajan and Namakal Krishnarao Nagarajan

Ex.P55 (Series 2 Nos) are the photocopies of the share certificates of Scooters India Limited in the name of Namakal Krishnarao Nagarajan

Ex.P56 is the photocopy of the share certificate of WG Forge & Allied Industries Limited in the name of Namakal

Krishnarao Nagarajan

Ex.P57 is the consent affidavit given by the second petitioner

Ex.P58 is the consent affidavit given by the third petitioner

Ex.P59 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 09.09.2018.

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

4. 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.K.Nagarajan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/.M.K.K.S.J

27.11.2018

//Certified to be a true copy//

Dated this the day of 2019.

R.s/18.06.2019

COURT OFFICER

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