

O.P.No.355 of 2019

K.KALYANASUNDARAM, J.,

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 petitioners.

2. In the petition, it is stated that M.R.Bakthavatsalu, ordinarily resided at No.54, Gandhi Road, Arumbakkam, Chennai and died intestate leaving behind the petitioners, viz., wife and son, as his only legal heirs. Though due and diligent search has been made for a Will but none has been found. The petitioners as the legal heirs of the deceased are entitled to inherit in law and on facts to receive the Securities amount due as specified in the Schedule. The deceased received the dividend due from the above scripts as and when declared during his life time. The Succession Certificate is required for the purpose of transfer of shares Certificate in the name of the petitioners, which stand in the name of the deceased. The asset in respect of which the Succession Certificate is valued at Rs.15,17,520/-.

3. No application has been made to any District Court or delegate or to any High Court for probate of any of the Will of the said deceased or for

Letters of Administration with or without the Will annexed to his property and credits. No application for a Succession Certificate in respect of any debt or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

4. The first petitioner examined herself as PW1 and marked exhibits P1 to P11;

- a) Ex.P1 is the photocopy of her Aadhaar card bearing No.9571 0172 2742.
- b) Ex.P2 is the photocopy of the share certificate bearing certificate No.N 669416 in Nestle India Limited held by her deceased husband Bakthavatsalu.
- c) Ex.P3 is the photocopy of the share certificate bearing Certificate No.N 498131 in Nestle India Limited held by her deceased husband Bakthavatsalu.
- d) Ex.P4 is the photocopy of the share certificate bearing certificate No.871225 in Nestle India Limited held by her deceased husband Bakthavatsalu.
- e) Ex.P5 is the photocopy of the share certificate bearing certificate No.871226 in Nestle India Limited held by her deceased husband Bakthavatsalu.
- f) Ex.P6 is the photocopy of the share certificate bearing certificate No.5226372 in Hindustan Lever Limited held by her deceased husband Bakthavatsalu.
- g) Ex.P7 is the computer generated death certificate of her husband M.R.Bakthavatsalu, who died on 05.10.2006.
- h) Ex.P8 is the photocopy of her Legal Heirship Certificate dated 11.12.2006 in respect of her deceased husband Bakthavatsalu.

- i) Ex.P9 is the photocopy of the letter from Hindustan Lever Limited dated 19.03.2018 addressed to her asking for succession certificate from competent court of law.
- j) Ex.P10 is the original letter dated 21.11.2018 from Nestle India Limited addressed to her asking for succession certificate and also stating that 55 share certificates are with the company.
- k) Ex.P11 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 10.07.2019.

She has further stated in her evidence that she has not filed any other petition 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. Therefore, the 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 dividend thereon and to negotiate and transfer the Securities specified in the Schedule, is issued. The petitioners are directed to render account once in a year.

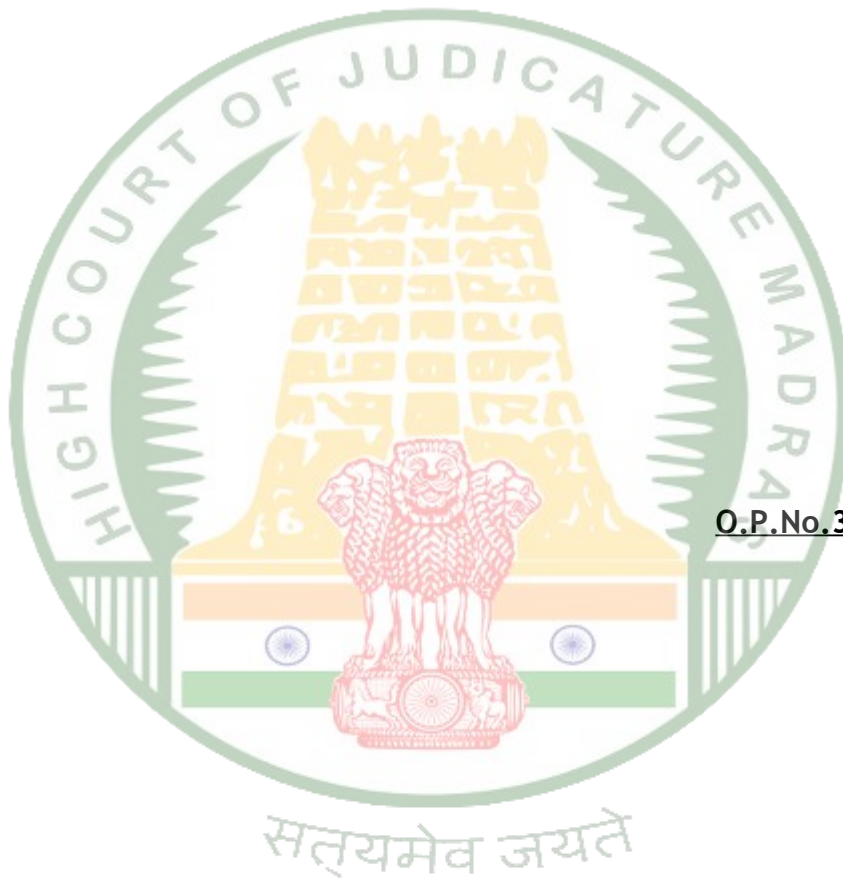
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