

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 13TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P. No.264 of 2019

In the matter of Indian
Succession Act XXXIX of 1925
and

In the matter of the Debts
of Mr.M.Subramanian-Deceased
Intestate.

Petition for succession certificate in respect of Certain Securities belonging to the deceased Mr.M.Subramanian under part - X of the Indian succession Act Read with order XXV Rule 6 of the Original Side Rules.

S.KAVIARASAN

S/o.Late M.Subramanian, No.124/14,
Manali New Town Division, Thiruvottiyur,
Chennai- 600 103.

...Petitioner

Vs

1. Mrs.S.Valaiyapathy
W/o.Late M.Subramanian, No.124/14,
Manali New Town Division, Thiruvottiyur,
Chennai-600 103.

2. S.Senthilnathan
S/o.Late M.Subramanian, No.124/14, Manali
New Town Division, Thiruvottiyur, Chennai-
600 103.

3. S.Karthikeyan
S/o.Late M.Subramanian, No.124/14, Manali
New Town Division, Thiruvottiyur, Chennai-
600 103.

4. Mrs.T.Siddharthi
D/o.Late M.Subramanian, No.124/14, Manali
New Town Division, Thiruvottiyur, Chennai-
600 103.

..Respondents

<https://hcservices.ecourts.gov.in/hcservices/> Original Petition praying that this Hon'ble Court be
pleased that a Succession Certificate may be granted in

favour of the Petitioner with a power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities as specified in the schedule hereto.

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 petitioner.

2. It is the case of the petitioner that the deceased M.Subramanian ordinarily resided at No.124/14, Manali New Town Division, Thiruvottiyur, Chennai. The deceased died intestate on 20.01.2014 and left the shares specified in the Schedule within the territorial jurisdiction of this Court. The petitioner intend to transmit the above said 2000 Equity shares of M/s.Ashok Leyland Limited in his favour and all the respondents have also given consent for the said transmission in the name of the petitioner. Though due and diligent search has been made for a Will but none has been found. The deceased is the husband of the first respondent and the petitioner and respondents 2 to 4 are the sons and daughter of the deceased. The deceased at the time of his death left behind the petitioner and the respondents herein as his only surviving legal heirs, who claims to be entitled a share of the estate of the deceased.

3. The Succession Certificate is required for the purpose of transferring the shares standing in the name of the deceased into the name of the petitioner, for which, respondents have given their consent. The assets in respect of which the Succession Certificate is required are of the value of shares Rs.2,06,000/-. It is further stated that the respondents have no objection for granting Succession Certificate in favour of the petitioner and they have given consent affidavit to that effect. No

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

4. The petitioner examined himself as PW1 and marked exhibits Exs.P1 to P11.

- a) Ex.P1 is the computer generated Death Certificate of his deceased father M.Subramanian, who died on 20.01.2014.
- b) Ex.P2 is the photocopy of the Legal Heirship certificate dated 21.11.2014 in respect of his deceased father M.Subramanian (Marked after comparing and verifying with the original).
- c) Ex.P3 is the original share certificate of Ashok Leyland Limited bearing registered Folio No.017580 and Certificate No.042185 in the name of M.Subramanian.
- d) Ex.P4 is the original share certificate of Ashok Leyland Limited bearing registered Folio No.017580 and Certificate No.S017580 in the name of M.Subramanian.
- e) Ex.P5 is the original letter dated 23.08.2018 addressed to me by Integrated Registry Management Services Private Limited.
- f) Ex.P6 is the downloaded copy of the value of share as on 10.05.2018.
- g) Ex.P7 is the consent affidavit given by the 1st respondent.
- h) Ex.P8 is the consent affidavit given by the 2nd respondent.
- i) Ex.P9 is the consent affidavit given by the 3rd respondent.

- j) Ex.P10 is the consent affidavit given by the 4th respondent.
- k) Ex.P11 is a copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 10.07.2019.

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 petitioner, I am satisfied that the 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 petitioner with a power to collect the securities and to receive dividends thereon and negotiate and transfer the securities specified in the schedule, is issued. The petitioner is directed to render account once in a year.

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

13.09.2019

//Certified to be a true copy//

Dated this the th day of 2019.

SU/14.10.2019

COURT OFFICER

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

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