

SENTHILKUMAR RAMAMOORTHY,J

This Petition is filed under Sections 372 and 373 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of the Original Side Rules for grant of succession certificate to the first Petitioner.

2. I heard the learned counsel for the Petitioners.

3. The learned counsel submitted that the first Petitioner is the wife of the deceased, the late Mr.R.Pattabiraman, in respect of whose estate the succession certificate is requested. He further submitted that the second Petitioner is the daughter and the sole respondent is the son. The learned counsel next submitted that the first Petitioner was examined as P.W.1 and that the following documents were exhibited through her:

(i) Ex.P1 is the computer generated death certificate of the first Petitioner's husband, R.Pattabiraman, who died on 05.11.2015.

(ii) Ex.P2 is the photocopy of the legal heirship Certificate dated 12.02.2016 in respect of the first Petitioner's deceased husband, R.Pattabiraman.

(iii) Ex.P3 is the photocopy of the share certificate bearing certificate No.400572 in Sundaram Fasteners Limited held by her deceased husband Pattabiram Ranganathan.

(iv) Ex.P4 is the photocopy of the share certificate bearing certificate No.411559 in Sundaram Fasteners Limited held by her deceased husband Pattabiraman Ranganathan.

(v) Ex.P5 is the consent affidavit given by the second Petitioner stating that she has no objection to the grant of succession certificate as prayed for.

(vi) Ex.P6 is the consent affidavit given by the respondent stating that he has no objection to the grant of succession certificate as prayed for.

(vii) Ex.P7 is a copy of paper publication effected in one issue of the Tamil daily "Makkal Kural" dated 26.09.2019.

4. The learned counsel for the Petitioners further submitted that both the other Class I legal heirs, namely, the second Petitioner and the sole Respondent provided consent affidavits for the grant of succession certificate to the first Petitioner. In these facts and circumstances, he submitted that the first Petitioner is entitled to succeed to the estate of her deceased husband, which consists of the securities listed in the schedule to the Petition.

5. I considered the submissions of the learned counsel and examined the evidence in the case. From the above, the following is evident:

(1) The first Petitioner has filed the death certificate of her husband, Mr.R.Pattabiraman, as Ex.P1.

(2) The legal heirship certificate dated 12.02.2016 is filed as Ex.P2 and this document shows that the first and second Petitioner and the sole Respondent are the only Class I legal heirs of the deceased.

(3) The photocopy of the share certificates, which constitute the estate of the deceased are filed as Ex.P3 and Ex.P4.

(4) The consent affidavits of the second Petitioner and the sole Respondent are filed as Ex.P5 and Ex.P6.

(5) The Paper publication is filed as Ex.P7.

6. It is stated in the Petition that no application for a succession certificate in respect of the estate of the deceased was filed previously in any District Court or delegate or to a High Court.

7. On the above basis, it is clear that the first Petitioner is entitled to succeed to the estate of her deceased husband. Accordingly, this Petition is allowed by directing that the Succession

Certificate should be granted to the first Petitioner in respect of the securities specified in the Petition with power to collect the said securities, received dividends thereon, accretions thereto by way of bonus shares, if any, and negotiate and transfer the said securities.

13.12.2019

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