

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2019

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

O.P.No.590 of 2019

1. R.Lakshmi

2. R.Hariharan

...Petitioners
Original Petition filed for issue of Succession Certificate in respect of Debt, Securities belonging to the deceased Mr.S.Rajamany under Section 372 of Indian Succession Act read with Order XXV Rule 6 of O.S.Rules prayed to grant a Succession Certificate in favour of Mr.R.Hariharan, the second petitioner herein, with the power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.P.Elaya Rajkumar
for M/s.Ramalingam &
Associates

ORDER

This petition is filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules for grant of a Succession Certificate to the second petitioner in respect of the securities specified in the schedule to

the petition.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submitted that the first petitioner is the wife of the late Mr.S.Rajamany, who died on 15.11.2013 at Old No.49, New No.122, Anna Street, Thiruvannamiyur, Chennai – 600 041. He further submitted that other than the petitioners, the late Mr.S.Rajamany does not have any surviving Class – I legal heirs. In this regard, he submitted that the mother of the first petitioner's husband predeceased him, as evidenced by the Legal Heirship Certificate dated 23.01.2015.

4. He also submitted that the second petitioner was examined as PW-1 and that the following nine documents were exhibited through PW-1:

“Ex.P1 is the computer generated copy of the death certificate of my father S.Rajamani, who died on 15.11.2013.

Ex.P2 is the photocopy of the Legal Heirship Certificate dated 23.01.2015 in respect of my father

S.Rajamany.

Ex.P3 is the photocopy of the share certificate bearing certificate No.2643695 in JSW Steel Limited held by my father S.Rajamany.

Ex.P4 is the photocopy of the share certificate bearing certificate No.3433 held by my father S.Rajamany.

Ex.P5 is the original letter dated 19.06.2018 from Integrated Registry Management Services Private Limited addressed to my mother asking for succession certificate from competent court of law.

Ex.P6 is the original letter dated 19.06.2018 from Bigshare Services Private Limited addressed to my mother asking for succession certificate from competent court of law.

Ex.P7 is the original letter dated 23.08.2018 from Karvy Computershare Private Limited addressed to my mother asking for succession certificate from competent court of law.

Ex.P8 is the consent affidavit given by my mother stating that she has no objection in grant of succession certificate as prayed for.

Ex.P9 is a copy of paper publication effected in one issue of Tamil daily "Maalai Murasu" dated 02.10.2019."

5. Based on the foregoing, he submitted that the second petitioner is entitled to the grant of succession certificate.

6. The submissions of the learned counsel for the petitioners were considered and the records were examined. Upon considering the evidence, the following is clear:

(i) The second petitioner's father S.Rajamany died on 15.11.2013 as evidenced by the death certificate (P1).

(ii) The legal Heirship Certificate dated 23.01.2015 reflects the names of the two petitioners as the only legal heirs and also records that the parents of the deceased predeceased him (Ex.P2).

(iii) The first petitioner has issued a consent affidavit stating that she has no objection to the grant of Succession Certificate to the second petitioner (Ex.P8).

(iv) Paper publication was also duly effected (Ex.P9).

7. In the petition, the petitioners have stated that no application was filed before a District Court or Delegate or High Court for granting of probate of any Will of the deceased or for letters of administration with or without a will annexed and that no earlier application was filed for a Succession Certificate in respect of the estate of the deceased. Therefore, it is clear that the petitioners have made out a case for the grant of a succession certificate in favour of the second petitioner.

8. Accordingly, this petition is allowed by granting a Succession Certificate to the second petitioner, Mr.R.Hariharan, in respect of the securities specified in the schedule to the petition with power to collect the securities, receive dividends thereon and any accretions thereto and also negotiate and transfer the said securities.

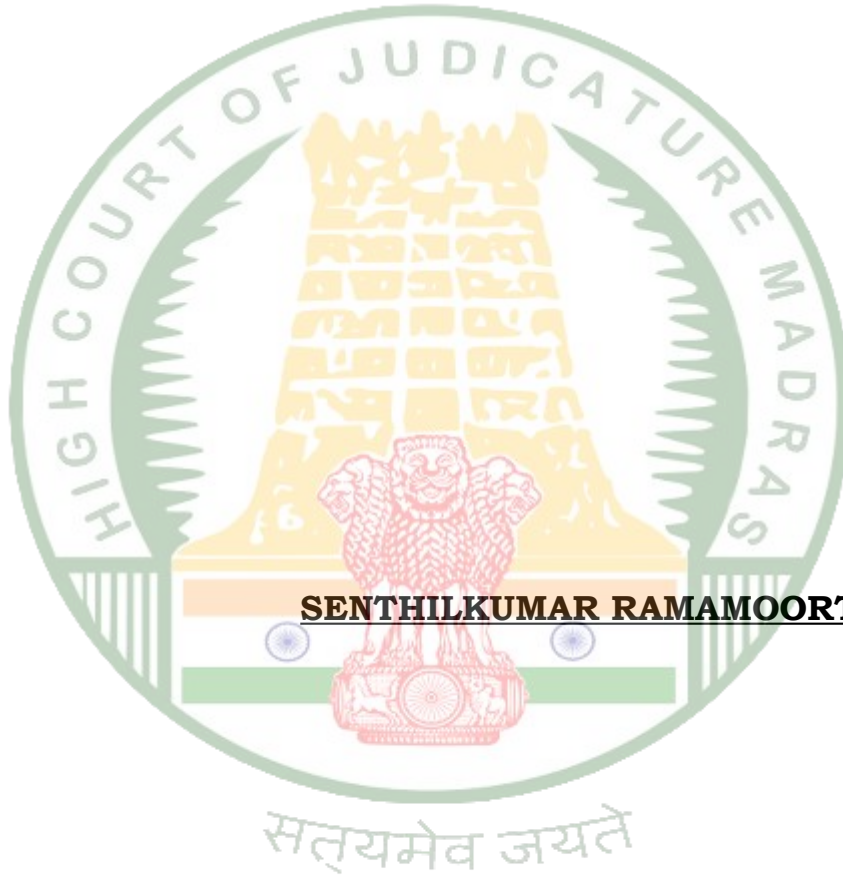
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Speaking (or) Non Speaking Order

Index : Yes/ No

Internet : Yes

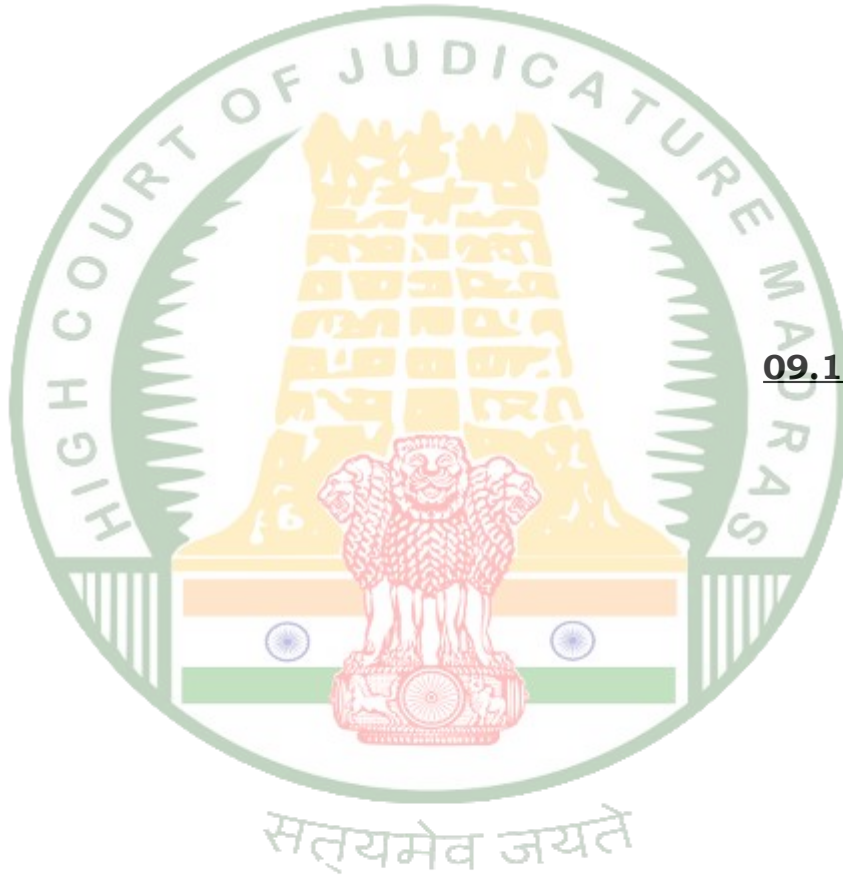


SENTHILKUMAR RAMAMOORTHY, J.

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