O.P.No.186 of 2019

K.KALYANASUNDARAM, J.,

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 second petitioner.

2. It is the case of the petitioners that the deceased Muhamed Iqbal Essa ordinarily resided at No.14, Park Street Kilpauk, Chennai and died on 07.05.2011 at NOBLE Hospital, No.4, Audiappa street, Purasawalkam, Chennai. The deceased died intestate and left the properties specified in the Schedule within the jurisdiction of this Court. The first petitioner is the wife of the deceased and 2 to 4 petitioners are children of the deceased. Though due and diligent search has been made for a Will but none has been found. The deceased at the time of his death, left behind his wife and children as his only next of kin, who are the petitioners herein and they are entitled to a share in the estate.

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 Second petitioner, for which, other petitioners have given their consent. The assets in respect of which the Succession Certificate is required are of the value of Rs.11,87,087.50/-. 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 Second petitioner examined himself as PW1 and marked exhibits Exs.P1 to P13.

a) Ex.P1 is the computer generated Death Certificate of his father Muhamed Iqbal Essa, who died on 07.05.2011.
b) Ex.P2 is the photocopy of the Legal Heirship certificate dated 06.03.2012 in respect of his deceased father Muhamed Iqbal Essa.
c) Ex.P3 (series 13 Nos) are the photocopies of the shares certificate issued by M.M.Rubber Company Limited standing in the name of his deceased father Muhamed Iqbal Essa.
d) Ex.P4 (series 2 Nos) are the photocopies of the share certificates issued by precot Mills Limited, standing in the name of his deceased father Muhamed Iqbal Essa.
e) Ex.P5 (series 6 Nos) are the photocopies of the share certificates issued by Reliance Petrochemicals Limited, jointly standing in his name and in the name of his deceased father Muhamed Iqbal Essa
f) Ex.P6 is the photocopy of the share certificate bearing ceritificate No.0018607 issued by ADF Foods Limited standing in the name of his deceased father Muhamed Iqbal Essa.
g) Ex.P7 is the photocopy of the share certificate bearing certificate No.34535 issued by TTK Prestige Limited standing in the name of his deceased father Muhamed Iqbal Essa.
h) Ex.P8 is the original letter dated Nil along with the photocopy of the share certificate bearing certificate No.02045464 issued by ICIC Bank Limited standing in the name of his deceased father Muhamed Iqbal Essa.

i) Ex.P9 (series 2 Nos) are the photocopies of the share certificates issued by Vakrangee Softwares Limited standing in the name of his deceased father Muhamed Iqbal Essa.

j) Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 17.04.2019

h) Ex.P11 is the consent affidavit given by the 1st petitioner.

i) Ex.P12 is the consent affidavit given by the 2nd petitioner.

j) Ex.P13 is the consent affidavit given by the 3rd petitioner.

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 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 in favour of the second petitioner with power to collect the securities and to receive interests dividends, negotiate and transfer the securities specified in th schedule, is issued. The petitioners are directed to render account once in a year.

13.09.2019

vsn

K.KALYANASUNDARAM, J.,

vsn

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