

O.P.No.340 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV Rule 6 of O.S Rules, 1956.

2.In the petition, it is stated that the deceased Mrs.Kalmanje Upadyaya Malathi died on 24.06.1998 at "The Old Vicrage", Bringham, Cockermouth, Country of Cumbria, United Kingdom and she was ordinarily resided at No.866, Poonamalle High Road, Kilpauk, Chennai - 600 010 and left the properties within the jurisdiction of this Court. The husband of the deceased Mr.Sural Krishnaswamy died on 23.09.2007. Both the deceased died intestate and though due and diligent search has been made for Will, but, none has been found. The deceased Mr.Sural Krishnawamy and Mrs.Kalmanje Upadyaya Malathi are the father and mother of the petitioners. Both the deceased at the time of his death left behind the petitioners herein as their only surviving legal heirs, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of transmission of securities belonged to both the deceased in favour of the petitioners 1 and 2 and the assets in respect of which the succession certificate is required are of the value of Rs.1,18,66,206/-.

3.It is further stated that the 3rd petitioner had no objection for granting Succession Certificate in favour of the petitioners 1 and 2 and he has given consent affidavit to that effect. No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property and credits or for a Succession Certificate. Hence, the petitioners have approached this Court for grant of Succession Certificate in favour of the petitioners 1 and 2, with power to collect the securities and to receive the interest and dividends or proceeds and negotiate and transfer the securities specified in the schedule.

4.The second petitioner examined herself as P.W.1 and deposed evidence on behalf of the petitioners 1 and 3 and also marked the following documents viz., Exs.P1 to P45.

1) Ex.P1 is the photocopy of the certified copy of the death certificate of Mrs.Malathi Krishnaswamy, who died on 24.06.1998 (Marked after comparing and verifying with the original).

2) Ex.P2 is the photocopy of the death certificate of Mr.Sural Krishnaswamy, who died on 23.09.2007 (Marked after comparing and verifying with the original).

3) Ex.P3 is the photocopy of the certified copy of the Legal Heirship

certificate dated 29.09.1998 in respect of the deceased Mrs.Malathi Krishnaswamy (Marked after comparing and verifying with the original certified copy).

4) Ex.P4 is the photocopy of the certified copy of the Legal Heirship certificate dated 11.01.2008 in respect of the deceased Mr.Sural Krishnaswamy (Marked after comparing and verifying with the original certified copy).

5) Ex.P5 (series 12 Nos) are the photocopies of the share certificates, standing in the name of Kalmanje Upadyaya Malathi, issued by Asea Brown Boveri Limited (Marked after comparing and verifying with the originals).

6) Ex.P6 (series 8 Nos.) are the photocopies of the share certificates, standing in the name of Kalmanje Upadyaya Malathi/Dr.K.U.Malathi, issued by Warren Tea Limited (Marked after comparing and verifying with the originals).

7) Ex.P7 is the photocopy of the share certificate presently standing in the names of S.Krishnaswamy, Veena Rao, Vidhya Pratap and Vivek Madi issued by Darjeeling Plantation Industries Limited (Marked after comparing and verifying with the originals).

8) Ex.P8 is the photocopy of the share certificate presently standing in the name of S.Krishnaswamy, issued by ICI India Limited (Marked after comparing and verifying with the original).

9) Ex.P9 (series 3 Nos) are the photocopies of the share certificates, standing in the name of Kalmanje Upadyaya Malathi, issued by Oswal Agro Mill Limited (Marked after comparing and verifying with the originals).

10) Ex.P10 is the photocopy of the letter of allotment regarding allotment of shares in the name of Kalmanje Upadyaya Malathi, issued by Adhinath Textiles Limited (Marked after comparing and verifying with the original).

11) Ex.P11 (series 2 Nos) are the photocopies of the share certificates, standing in the name of Kalmanje Upadyaya Malathi, issued by Bindal Agro Chem Limited (Marked after comparing and verifying with the originals).

12) Ex.P12 is the photocopy of the share certificate, standing in the name of Kalmanje Upadyaya Malathi, issued by Stepan Chemicals (Marked after comparing and verifying with the original).

13) Ex.P13 (series 2 Nos) are the photocopies of the share certificates, standing in the name of Kalmanje Upadyaya Malathi, issued by Kilburn Engineering Limited (Marked after comparing and verifying with the originals).

14) Ex.P14 is the photocopy of the letter dated 08.05.2006 addressed to S.Krishnaswamy, along with e-mail correspondence dated 07.12.2016 (Letter dated 08.05.2006 alone is compared and verified with the original).

15) Ex.P15 is the photocopy of the share certificate, standing in the name of K.U.Malathi, issued by Essar Gujarat Limited (Marked after comparing and verifying with the original).

16) Ex.P16 is the photocopy of the letter dated 22.09.1998 addressed to K.U.Malathi Krishnaswamy, issued by Carborundum Universal Limited (Marked after comparing and verifying with the original).

17) Ex.P17 is the photocopy of the share certificate, standing in the name of Kalmanje Upadyaya Malathi, issued by SIP Industries Limited (Marked after comparing and verifying with the original).

18) Ex.P18 is the photocopy of the letter dated 01.06.2012 addressed to my by Karvy Computershare Private Limited (Marked after comparing and verifying with the original).

19) Ex.P19 is the photocopy of the share certificate standing in the name of Sural Krishnaswamy, issued by Indian Explosives Limited (Marked after comparing and verifying with the original).

20) Ex.P20 (series 6 Nos) are the photocopies of the share certificates, standing in the name of Sural Krishnaswamy, issued by Doom Dooma India Limited (Marked after comparing and verifying with the originals).

21) Ex.P21 is the photocopy of the letter dated 23.06.2017 addressed to me by Stanrose Mafatilal Investments and Finance Limited (Marked after

comparing and verifying with the original).

22) Ex.P22 is the photocopy of the share certificates, jointly standing in the names of Kalmanje Upadyaya Malathi and Sural Krishnaswamy, issued by Reliance Petroleum Limited (Marked after comparing and verifying with the original).

23) Ex.P23 is the photocopy of the letter of allotment, issued in the names of Kalmanje Upadyaya Malathi and Sural Krishnaswamy, by Kanoria Sugar & General Manufacturing Company Limited (Marked after comparing and verifying with the original).

24) Ex.P24 is the photocopy of the share certificate, jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Kinetic Finance Limited (Marked after comparing and verifying with the original).

25) Ex.P25 (series 15 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Spartek Granites Limited (Marked after comparing and verifying with the originals).

26) EX.P26 (series 2 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya, issued by Woolworth (India) Limited (Marked after comparing and verifying with the originals).

27) Ex.P27 (series 7 Nos) are the photocopies of the share certificates jointly standing in the names of S.Krishnaswamy and K.U.Malathi, issued by Indian Organic Chemicals Limited (Marked after comparing and verifying with the originals).

28) Ex.P28 is the photocopy of the share certificate standing in the name of K.U.Malathi, issued by Vijayanagar Textiles and Electronics Limited (Marked after comparing and verifying with the original).

29) Ex.P29 (series 4 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by United Drilling Tools Limited (Marked after comparing and verifying with the originals).

30) Ex.P30 is the photocopy of the share certificate jointly standing in the names of S.Krishnaswamy and K.U.Malathi, issued by Sundaram Brake Linings Limited (Marked after comparing and verifying with the original).

31) Ex.P31 (series 3 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Ashok Leyland Limited (Marked after comparing and verifying with the originals).

32) Ex.P32 is the photocopy of the share certificate jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Kunal Machinery Manufacturers Limited (Marked after comparing and

verifying with the original).

33) Ex.P33 is the photocopy of the share certificate jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Rajasthan Xlo Sanwa Midland Limited (Marked after comparing and verifying with the original).

34) Ex.P34 is the photocopy of the share certificate jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Pasupati Haryana Woollens Limited (Marked after comparing and verifying with the original).

35) Ex.P35 (series 35 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Integrated Finance Company Limited (Marked after comparing and verifying with the originals).

36) Ex.P36 is the photocopy of the share certificate jointly standing in the names of K.U.Malathi and S.Krishnaswamy, issued by Walchandnagar Industries Limited (Marked after comparing and verifying with the original).

37) Ex.P37 is the photocopy of the share certificate jointly standing in the names of S.Krishnaswamy and K.U.Malathi, issued by Neelamalai Agro Industries Limited (Marked after comparing and verifying with the original).

38) Ex.P38 (series 6 Nos) are the photocopies of the share certificates presently standing in the name of Sural Krishnaswamy, issued by The Indo

Asahi Glass Company Limited (Marked after comparing and verifying with the originals).

39) Ex.P39 is the photocopy of the share certificate jointly standing in the names of K.U.Malathi and Sural Krishnaswamy, issued by Manali Petrochemical Limited (Marked after comparing and verifying with the original).

40) Ex.P40 is the photocopy of the letter dated 07.05.2012 addressed to me, by TSR Darshaw Limited (Marked after comparing and verifying with the original).

41) Ex.P41 (series 9 Nos) are the photocopies of the share certificates jointly standing in the names of S.Krishnaswamy and K.U.Malathi, issued by The Peria Karamalai Tea & Produce Company Limited (Marked after comparing and verifying with the originals).

42) Ex.P42 (series 2 Nos) are the photocopies of the share certificates jointly standing in the names of Sural Krishnaswamy and Kalmanje Upadyaya Malathi, issued by Integrated Kinetic Finance Limited (Marked after comparing and verifying with the originals).

43) Ex.P43 is the consent affidavit given by the 3rd petitioner with regard to the shares held by Sural Krishnaswamy.

44) Ex.P44 is the consent affidavit given by the 3rd petitioner with regard to the shares held by Kalmanje Upadyaya Malathi.

45)Ex.P45 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 17.07.2019.

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 1 and 2 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 1 and 2 with power to collect the securities and to receive the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioners 1 and 2 are directed to render accounts once in a year.

सत्यमेव जयते

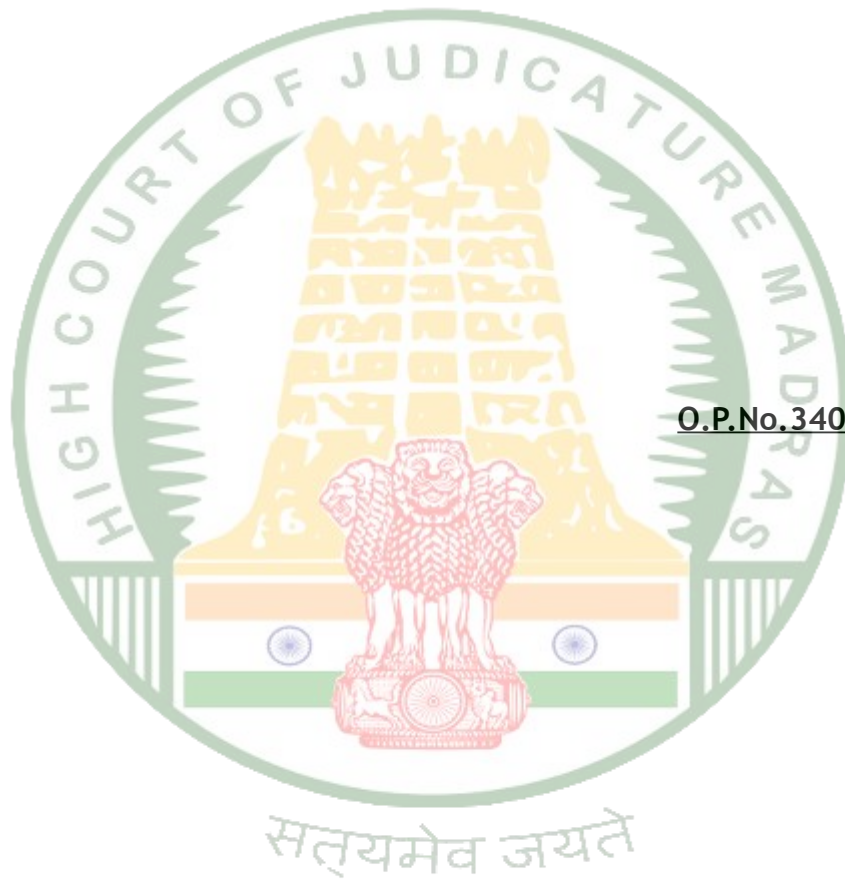
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K.KALYANASUNDARAM, J.

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