

O.P.No.537 of 2019

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules 1956, to grant succession certificate in favour of the first petitioner in respect of the shares described in the schedule pertaining to Mr.Goutam Chand Nahar and Mrs.Anoopkanwar Devi Nahar.

2. In the petition, it is stated that the deceased Goutam Chand Nahar ordinarily resided at No.20/18, Heera Mansion, General Muthiah Street, Sowcarpet, Chennai - 79 and died on 14.06.2018 and Anoopkanwar Devi Nahar died on 28.08.2004. The parents of the deceased Goutam Chand Nahar pre-deceased him. Both the deceased died intestate and that due and diligent search has been made for a Will, but, none has been found. Both the deceased at the time of their death left behind their son and daughter, the petitioners herein as his surviving Class-1 legal heirs.

3. It is further stated that the deceased Mr.Goutam Chand Nahar and Mrs.Anoopkanwar Devi Nahar left the securities specified in the schedule

'A' to 'E' within the jurisdiction of this Court. The petitioners are the legal heirs of both the deceased, who claim to be entitled to $\frac{1}{2}$ share each of the estate of both the deceased. The succession certificate is required for the purpose of transferring the securities described in the Schedule 'A' to 'E' for the value of Rs.30,49,638.85/- with accrued future interest, dividends, bonus share etc.

4.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 their properties and credits and no application had been filed for a succession certificate in respect of any debts or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court.

5. The second petitioner has no objection for grant of succession certificate in favour of the first petitioner to collect the schedule amount and receive the accrued future interest and transfer the securities including her share in favour of the 1st petitioner.

6. The first petitioner examined himself as P.W.1 and deposed evidence on behalf of the other petitioner and marked Exs.P1 to P5 viz.,

i) Ex.P1 is the computer generated death certificate of his father Goutam Chand Nahar, who died on 14.06.2018.

ii) Ex.P2 is the photocopy of the Legal Heirship certificate dated 07.06.2005 in respect of his mother Anoop Kanwar Devi Nahar.

iii) Ex.P3 is the photocopy of the account maintained in State Bank of India, Chennai Main Branch bearing account No.10886091949 in Public Provident Fund Scheme held by his father Goutham Chand Nahar.

iv) Ex.P4 is the photocopy of the death certificate of his mother Anup Kanwar Devi Nahar, who died on 28.08.2004.

v) Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 05.09.2019.

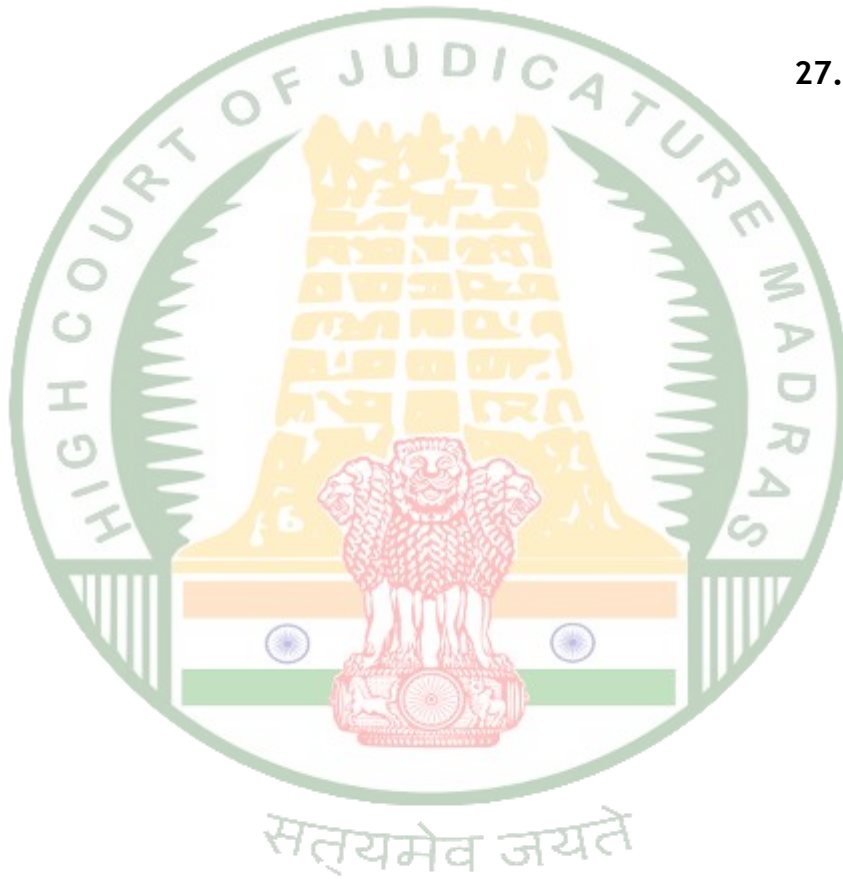
He has further stated in his evidence that he has not filed any other petition seeking the same relief.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the 1st petitioner has

succeeded the Estate of both the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner with power to collect the debts and to receive the interest specified in the schedule hereto.

27.11.2019

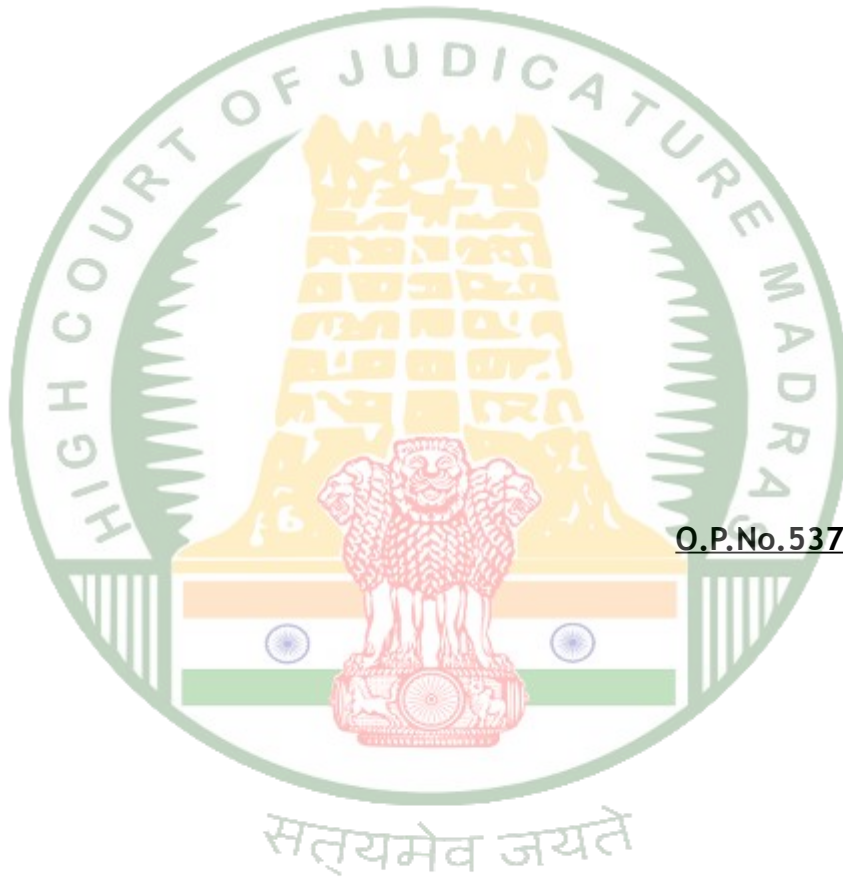
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