

O.P.No.609 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 third petitioner.

2. In the petition, it is stated that the deceased M.Motilal Dhoka @ Motilal ordinarily resided at No.21/16, Chandrabanu Street, Pudupet, Chennai -2 and died on 20.1.2014 at District Hospital Darjeeling and left the properties within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will, but, none has been found. The deceased at the time of his death left his daughters and sons, the petitioners herein as his surviving Class I legal heirs. The wife and parents of the deceased pre-deceased him. The petitioners are the only legal heir of the deceased, who claim to be entitled to 1/7th share each of the estate of the deceased. The succession certificate is required for transferring the shares described in the schedule in favour of the petitioners for the value of Rs.2,68,422/-.

3.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 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. The petitioners 1, 2, 4 to 7 have no objection for grant of succession certificate in favour of the 3rd petitioner.

4.The third petitioner examined himself as P.W.1 and marked Exs.P1 to P4 viz.,

i) Ex.P1 is the original death certificate of his father M.Motilal Dhoka, who died on 20.01.2014.

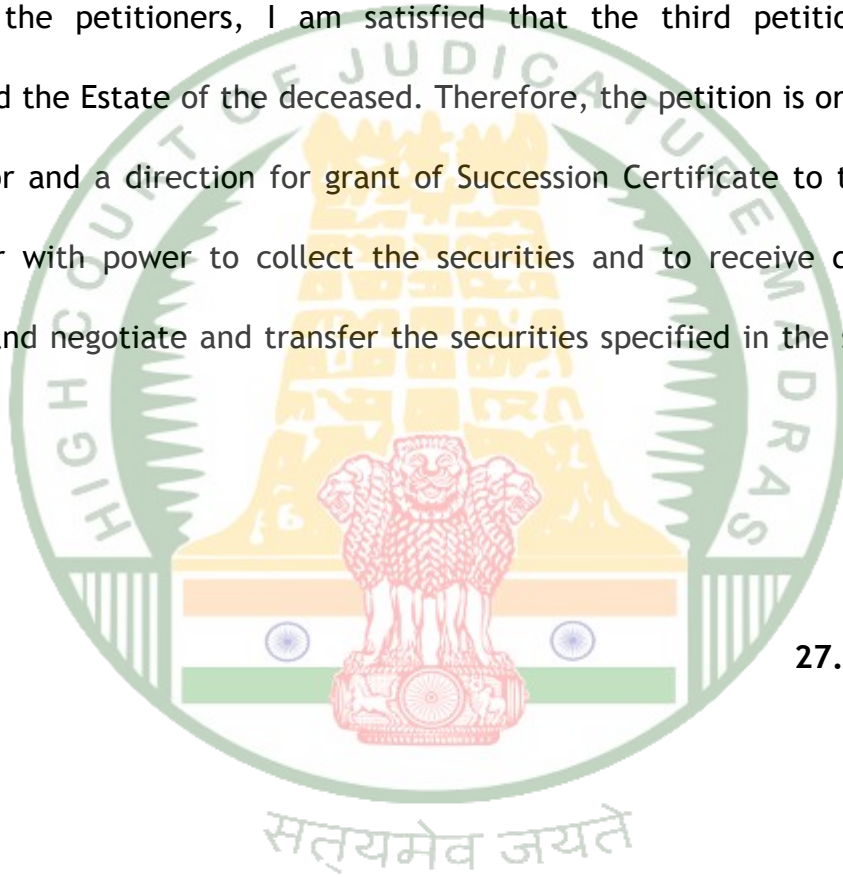
ii) Ex.P2 is the photocopy of the legal heirship certificate dated 24.10.2014 in respect of his father M.Motilal Dhoka.

iii) Ex.P3 (series 6 Nos) are the photocopies of the share certificates of Reliance Industries Limited bearing certificate Nos.04222685, 07383137, 10554962, 53219226, 53219227 and 66821912 standing in the name of her father M.Motilal.

iv) Ex.P4 is a copy of paper publication effected in one issue of Tamil daily “Maalai Sudar” dated 17.09.2019.

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 third petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the third petitioner with power to collect the securities and to receive dividends thereon and negotiate and transfer the securities specified in the schedule hereto.



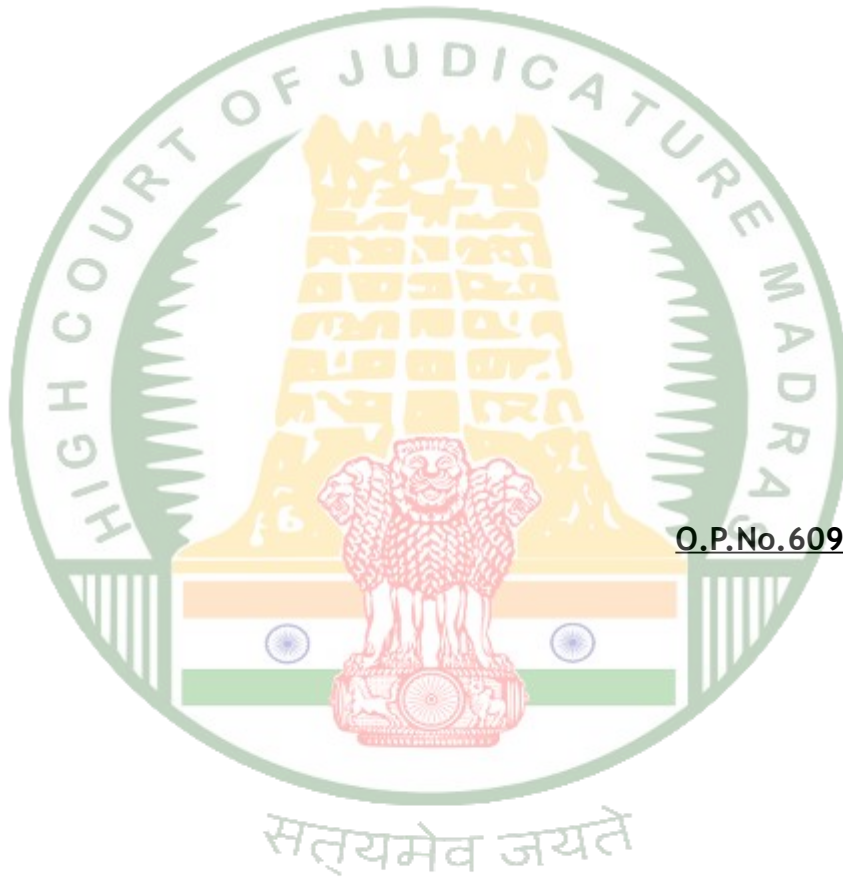
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