

O.P.No.807 of 2015

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 petitioner.

2. It is the case of the petitioner that the deceased R.M.Valliappan died on 27.12.2011 at V.S.Hospital, Spurtank Road, Chetput, Chennai and he was ordinarily resided at Flat 2/4, Swiss Cottage, Gandhi Street, Theagaraya Nagar, Chennai - 600 017 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 behind his wife, daughter and son, the petitioner and the respondents 1 and 2 herein as his surviving legal heirs. Hence, the petitioner herein has impleaded all the next of kin or others persons interested in the estate of the deceased as respondents and there are no other next of kin or other persons interested, to be impleaded. The petitioner is the class I legal heir of the deceased, who claims to be entitled 1/3rd share of the estate of the deceased. The succession certificate is required for the purpose of registering the transmission of

shares for the value of Rs.14,83,672/-.

3. It is further stated that 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 debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of Succession Certificate with power to collect the securities and to receive the interest on dividends thereon and negotiate and transfer the securities as specified in the schedule.

4. The petitioner examined herself as P.W1 and deposed evidence on behalf of the respondents 1 and 2 and marked Exs.P1 to P6 viz.,

- i) Ex.P1 is the computer generated death certificate of her husband RM.Valliappan, who died on 27.12.2011.
- ii) Ex.P2 is the notarized copy of the Legal Heirship Certificate dated 21.02.2012 in respect of her husband RM.Valliappan.
- iii) Ex.P3 is the online statement of holding dated 01.09.2014 given by Stock Holding Corporation of India Limited for the period 01.04.2014 to 31.08.2014 in respect of shares and securities held by her husband

RM.Valliappan.

- iv) Ex.P4 is the consent affidavit given by the 1st respondent stating that she has no objection in grant of succession certificate in her favour.
- v) Ex.P5 is the consent affidavit given by the 2nd respondent stating that he has no objection in grant of succession certificate in her favour.
- vi) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 05.03.2016.

She has further stated in her evidence that she has not filed any other petition seeking the same relief.

5. Though the respondents have been served with notice and their names being printed in the cause list there is no representation either in person or through counsel.

6. The learned counsel for the petitioner would submit that the respondents, who are the daughter and son of the petitioner, have no objection for grant of succession certificate in favour of the petitioner and they have filed consent affidavit to that effect.

7. Considering the averments made in the petition and the documents

filed by the petitioner, I am satisfied that the 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 petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities as specified in the schedule. The petitioner is directed to render account once in a year.

03.09.2019

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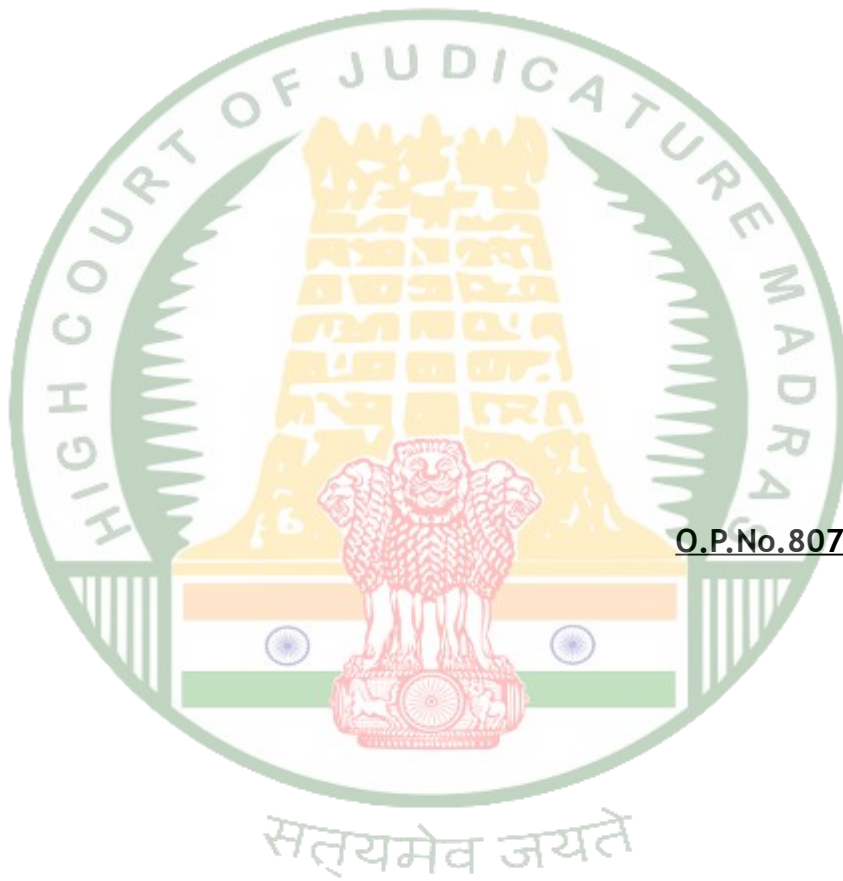


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