

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

FRIDAY, THE 13TH DAY OF SEPTEMBER 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P. 350 OF 2019

In the matter of Indian
Succession Act, XXXIX OF
1925

and
In the matter of securities
of Smt.M.S.Dhanam (Deceased)

1. MRS.MEERA MANOHARAN,
Daughter of Late Smt.M.S.Dhanam,
Old No.11, New No.21, Arcot Street,
T.Nagar, Chennai-600017.

2. MR.S.JAYAKUMAR,
Son of Late Smt.M.S.Dhanam,
Old No.11, New No.21, Arcot Street,
T.Nagar, Chennai-600017.

..Petitioners

Original Petition praying that this Hon'ble Court be
pleased to Grant a Succession certificate to the petitioner
with power to collect the Securities and to receive the
interest and dividends on and negotiate and transfer the
securities specified in the Schedule in the petition.

This Original Petition coming on this day before
this court for hearing, the court made the following order:

This Petition has been filed under Section 372 of
the Indian Succession Act, XXXIX of 1925 read with Order 25
Rule 6 of the Madras High Court Original Side Rules to
grant Succession Certificate in favour of the petitioners.

2. It is the case of the petitioners that the deceased M.S.Dhanam ordinarily resided at old No.11, New No.21, Arcot Street, T.Nagar, Chennai, and died on 20.04.2015 at SRM Institutes for Medical Science, No.1, Jawaharlal Nehru Salai, Vadapalani, Chennai. The deceased died intestate and left the properties specified in the Schedule within the jurisdiction of this Court. The deceased husband Shri A.S.Subramania Mudaliar Predeceased her. Though due and diligent search has been made for a Will but none has been found. The petitioners are the daughter and son of the deceased. The deceased at the time of her death left behind the petitioners herein as her only surviving legal heirs, who claims to be entitled a share of the estate of the deceased.

3. The Succession Certificate is required for the purpose of transferring the company shares standing in the name of the deceased into the name of the petitioners. The assets in respect of which the Succession Certificate is required are of the total value of Rs.16,18,650/-. 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 her 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 first petitioner examined herself as PW1 and marked exhibits Exs.P1 to P6.

- a) Ex.P1 is the computer generated copy of the Death Certificate of her deceased mother Dhanam who died on 20.04.2015.
- b) Ex.P2 is the photocopy of Legal Heirship certificate dated 20.03.2017 in respect of deceased Dhanam (Marked after comparing and verifying with the original).
- c) Ex.P3 (series 2 Nos) are the photocopies of the share certificates of Shriram Transport Finance Company Limited bearing registered Folio Nos.71801 and 75017 and Certificate Nos.601531 and 604303 in the name of M.S.Dhanam (Marked after comparing and verifying with the originals).
- d) Ex.P4 is the photocopy of Aadhaar card of the 1st petitioner bearing No.6991 0232 5215 (Marked after comparing and verifying with the original).
- e) Ex.P5 is the photocopy of the Aadhaar card of the 2nd petitioner bearing No.6492 4981 9963 (Marked after comparing and verifying with the original).
- f) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily ''Malai Malar'' dated 06.07.2019.

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 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 with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

Sd/.M.K.K.S.J.

13.09.2019

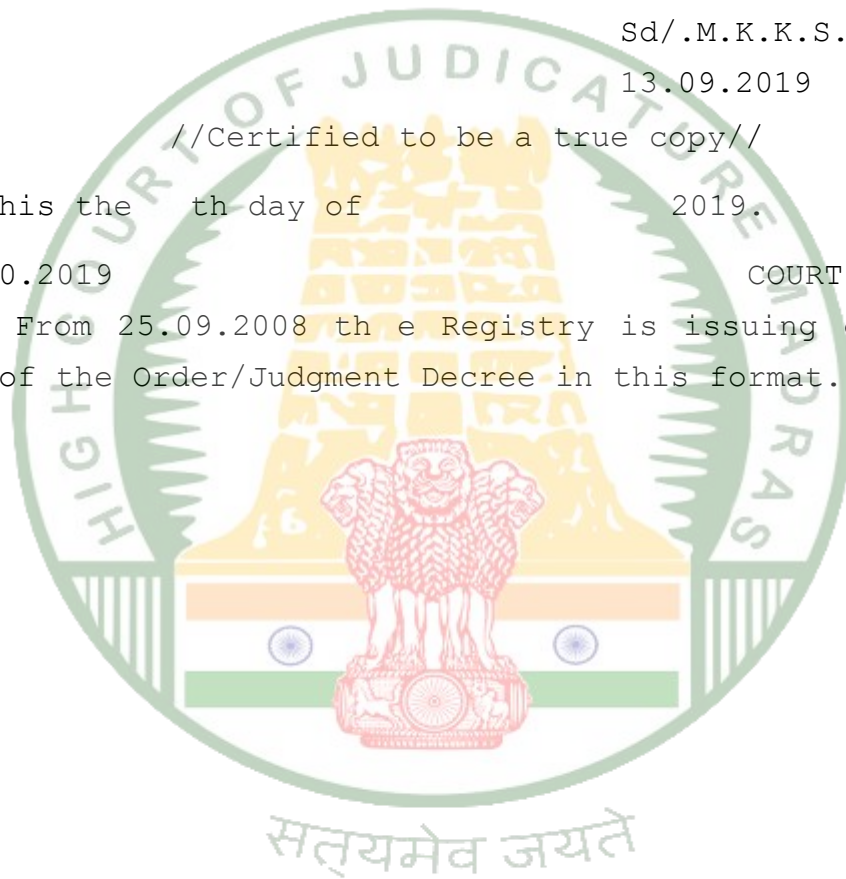
//Certified to be a true copy//

Dated this the th day of 2019.

SU/14.10.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



WEB COPY