

O.P.No.357 of 2019**K.KALYANASUNDARAM, J.,**

This Petition has been filed under Section 372 under part X of the Indian Succession Act, read with Order XXV Rule 6 of the Madras High Court Original Side Rules to grant Succession Certificate in favour of the 1st and 4th petitioners.

2. It is the case of the petitioners that the deceased Kuncheria Mathew Mozhoor ordinarily resided at No.13/7, Andavar Street, Avvai Nagar, Choolaimedu, Chennai-600 094 and expired on 23.12.2017. The deceased died intestate and left the shares held in DEMAT with HDFC Bank Ltd., Chennai DP ID: IN301549 and client ID: 51479671 morefully specified in the Schedule within the jurisdiction of this Court. Though due and diligent search has been made for a Will but none has been found. The deceased at the time of his death, left the petitioners as his Class I surviving Legal Heirs and they are entitled to a share in the estate.

3. The Succession Certificate is required for the purpose of transferring or disbursement of the amount invested in shares standing in the name of the deceased into the name of the petitioners, for which, other petitioners have given their consent. EX.P11 is the consent affidavit given by the 2nd petitioner. The assets in respect of which the Succession Certificate is required are of the value of Rs.30,96,309/-. 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 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 P10.

- a) Ex.P1 is the photocopy of the voter identity card of Kuncheria bearing ID No.BDZ4723979 (Marked after comparing and verifying with the original).
- b) Ex.P2 is the computer generated copy of the death certificate of Kuncheria Mathew Mozhoor, who died on 23.12.2017.
- c) Ex.P3 is the computer generated copy of the Legal Heirship certificate dated 30.06.2018 in respect of Kuncheria Mathew Mozhoor.
- d) Ex.P4 is the photocopy Aadhar card of the first petitioner bearing No.2741 7986 7064 (Marked after comparing and verifying with the original).
- e) Ex.P5 is the photocopy of the Aadhaar card of the 2nd petitioner bearing No.4188 0570 3615 (Marked after comparing and verifying with the original).
- f) Ex.P6 is the photocopy of the Aadhaar card of the 3rd petitioner bearing No.8556 7364 8037 (Marked after comparing and verifying with the original).
- g) Ex.P7 is the photocopy of the Aadhaar card of the 4th petitioner bearing No.8360 7118 4467 (Marked after comparing and verifying with the original).
- h) Ex.P8 is the original statement of holding dated 20.03.2019 issued

by HDFC Bank Limited.

i) Ex.P9 is the consent affidavit given by the 3rd petitioner.

j) Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.07.2019.

5. The fourth petitioner examined herself as PW2 and marked exhibit Ex.P11.

Ex.P11 is the consent affidavit given by the 2nd petitioner.

They have further stated in their evidences that they have not filed any other petition seeking the same relief.

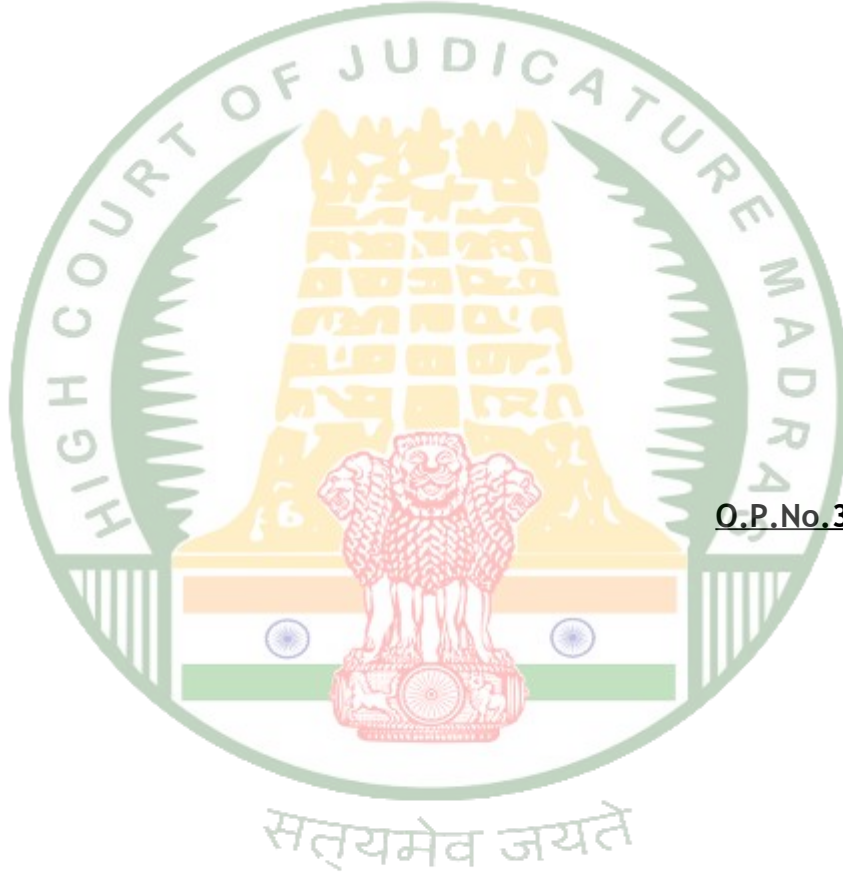
6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st and 4th petitioners with power to collect the securities and to receive interest, dividends and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

13.09.2019

vsn

K.KALYANASUNDARAM, J.,

vsn



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