

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

TUESDAY, THE 10TH DAY OF DECEMBER 2019

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No. 319 of 2018

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of
Securities of
Mr.Vijaykumar M.Jain -
Deceased.

MRS.SANGEETHA V.JAIN

W/o.Late Mr.Vijayakumar M.Jain, B-6,
1st Floor, Kent Apartment, No.26,
Ritherdon Road, Vepery,
Chennai-600007.

..PETITIONER

-VS-

1. SHREYA V.JAIN

D/o.Late Mr.Vijayakumar M.Jain,
B-6, 1st Floor, Kent Apartment, No.26,
Ritherdon Road, Vepery,
Chennai-600007.

2. TANVI V.JAIN

D/o.Late Mr.Vijayakumar M.Jain,
B-6, 1st Floor, Kent Apartment,
No.26, Ritherdon Road, Vepery,
Chennai-600007.

3. LILAVATHI

Mother of Late Mr.Vijayakumar M.Jain,
B112, Swapnalok Apartments,
60, EVK Sampath Road,
Vepery, Chennai-600007.

..RESPONDENTS

Original Petition praying that this Hon'ble Court be
pleased to collect the securities, 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 is filed for the grant of Succession Certificate in respect of the securities listed in the schedule to the petition to and in favour of the petitioner.

2. I heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that the petitioner is the widow of the deceased Mr. Vijayakumar M.Jain in respect of whose estate, the succession certificate is requested. He further submitted that the husband of the petitioner ordinarily resided at B-6, First Floor, Kent Apartment, No.26, Ritherdon Road, Vepary, Chennai 600 007 within the jurisdiction of this Court and that the assets are also within the jurisdiction of this Court. He further submitted that the petitioner and the respondents are jointly the only surviving class-I legal heirs of the deceased. In order to establish her claim, he submitted that the petitioner was examined as P.W.1 and the following documents were exhibited.

- (1) Ex.P1 - computer generated copy of the death certificate of Mr. Vijayakumar M. Jain, who died on 12.06.2016
- (2) Ex.P2 - Original Legal Heirship certificate dated 18.10.2016 in respect of Vijayakumar M. Jain.
- (3) Ex.P3 - computer generated copy of the statement of demat account of DBFS Securities Limited in respect of Vijayakumar M. Jain.
- (4) Ex.P4 - copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 15.12.2018.

3. In addition, the learned counsel for the petitioner

submitted that the first respondent was examined as R.W1 and the consent affidavits of all the three respondents were exhibited through R.W.1. Consequently, he submits that there is no impediment to the grant of Succession Certificate to the petitioner.

4. I heard the submissions of the learned counsel for the petitioner and also examined the petition and the evidence recorded in the case. Upon such examination, the following is evident.

- i. The husband of the petitioner died on 12.06.2016 within the jurisdiction of this Court (Ex.P1).
- ii. The legal heirship certificate dated 18.10.2016 shows that the petitioner and the respondents herein are the only class-I legal heirs of the deceased Vijayakumar M. Jain (Ex.P2).
- iii. The publication was duly effected (Ex.P4).
- iv. All the other class-I legal heirs have given consent affidavits (Exs.R5 to R7).

5. It is stated in the petition that no application was 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 and no application was filed for Succession Certificate.

6. From the foregoing, the petitioner has established a case to succeed to the estate of the deceased. Accordingly, this petition is allowed by granting the Succession Certificate to the petitioner in respect of the securities specified in the schedule to the petition with the power to receive the dividends thereon or accretions

thereto and negotiate and transfer such securities.

Sd/.S.K.R.J.
10.12.2019

//Certified to be a true copy//
Dated this the day of 2019.

SU/19.12.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of
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