

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 25TH DAY OF JANUARY 2019

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

O.P.No.428 of 2018

In the matter of Indian
Succession Act XXXIX of
1925 and

In the matter of securities
of intestate J.Jinadathan
deceased.

1.J.Ram Kumar
S/o.Late J.Jinadathan
New No.11, Old No.5
Parthasarathy Puram
North Usman Road
T.Nagar, Chennai - 600 017.

2.J.Leelavathi
D/o.Late J.Jinadathan
New No.11, Old No.5
Parthasarathy Puram
North Usman Road
T.Nagar, Chennai - 600 017.

3.J.Selvakumar
S/o.Late J.Jinadathan
New No.11, Old No.5
Parthasarathy Puram
North Usman Road
T.Nagar, Chennai - 600 017.

4.N.Vimala
W/o.J.Nabirajan
New No.11, Old No.5
Parthasarathy Puram
North Usman Road
T.Nagar, Chennai - 600 017.

5.N.Suresh Kumar
S/o.J.Nabirajan
New No.11, Old No.5
Parthasarathy Puram
North Usman Road
T.Nagar, Chennai - 600 017.

6.N.Nithiyakalyani
 D/o.J.Nabirajan
 New No.11, Old No.5
 Parthasarathy Puram
 North Usman Road
 T.Nagar, Chennai - 600 017.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant a Succession certificate to the first petitioner with power to collect the securities and to receive the interest, dividends thereon and negotiate and negotiate and transfer the securities specified in the schedule.

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, Part X of Indian Succession Act read with Order XXV Rule 6 of O.S. Rules to grant Succession Certificate in favour of the 1st petitioner.

2. It is the case of the petitioners that the deceased J.Jinadathan, ordinarily resided at New No.11, Old No.5, Parthasarathy Puram North Usman Road, T.Nagar, Chennai - 32 and died on 28.08.2006 at Best Hospital, No.9, Vellala Street, Kodambakkam, Chennai - 24. The deceased left 500 shares of HDFC Bank Limited specified in the schedule within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for a Will but none has been found. The deceased died intestate leaving behind him, all the petitioners herein as his only next-of-kin. The

<https://hcservices.ecopet.gov.in/hcservices/> state that the first petitioner is entitled to a share in the deceased as the other petitioners are the

legal heirs of the deceased have given consent for the first petitioner to claim the share of the deceased. The Succession Certificate is required for transmission of shares into the names of the petitioners. The asset in respect of which the Succession Certificate is required for the purpose of transferring the HDFC Bank Limited share which is in the name of the deceased late J.Jinadathan to the first petitioner. The said assets in respect of which the succession certificate is required are of the value of Rs.9,40,200/- as on date of filing this Original Petition.

3. No application has been made to any District Court or to any High Court for Probate of any Will of the deceased or for Letters of Administration with or without Will annexed to his properties and credits and no application for Succession Certificate in respect of any debt or security belonging to the estate of the deceased has been made to any District Court or delegate or any High Court.

4. The first petitioner examined himself as PW1 and marked exhibits Exs.P1 to P8.

a) Ex.P1 is the photocopy of the death certificate of his mother J.Kalyani Ammal, who died on 22.03.1981. (Marked after comparing and verifying with the original).

b) Ex.P2 is the original death certificate of his elder brother J.Nabirajan, who died on 02.01.1985.

c) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 01.02.1985 in respect of his

deceased elder brother J.Nabirajan (Witness says that the original has been misplaced).

- d) Ex.P4 is the photocopy of the death certificate of his father J.Jinadathan, who died on 28.08.2006 (Marked after comparing and verifying with the original).
- e) Ex.P5 is the photocopy of the Legal Heirship certificate dated 20.11.2006 in respect of his deceased father J.Jinadathan (Marked after comparing and verifying with the original).
- f) Ex.P6 is the photocopy of the share certificate bearing certificate No.003020007, standing in the name of his deceased father J.Jinadathan, issued by HDFC Bank Limited (Marked after comparing and verifying with the original).
- g) Ex.P7 is the computer generated letter dated 21.10.2016 sent by Datamatics Financial Services Limited along with e-mail correspondences between his son Siddhartha and HDFC Bank regarding transmission of shares held by his deceased father J.Jinadathan.
- h) Ex.P8 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 11.07.2018.

He has further stated in his evidence that he has not filed any other petition seeking the same relief.

5. The third petitioner examined himself as P.W.2 and stated that he was aware of the facts of this case. He has no objection in grant of Succession Certificate in favour of the 1st petitioner herein, who is his elder brother, in respect of the securities held by his deceased father

J.Jinadathan. He has filed his consent affidavit in this regard. Ex.P.9 is his consent affidavit.

6. The fourth petitioner examined herself as P.W.3 and stated that she was aware of the facts of this case. She has no objection in grant of Succession Certificate in favour of the of the 1st petitioner herein, who is her husband's brother, in respect of the securities held by his deceased father-in-law J.Jinadathan. She has filed his consent affidavit in this regard. Ex.P.10 is her consent affidavit.

7. The fifth petitioner examined himself as P.W.4 and stated that he was aware of the facts of this case. He has no objection in grant of Succession Certificate in favour of the 1st petitioner herein, who is his uncle, in respect of the securities held by his deceased grandfather J.Jinadathan. He has filed his consent affidavit in this regard. Ex.P.11 is his consent affidavit.

8. The sixth petitioner examined herself as P.W.5 and stated that she was aware of the facts of this case. She has no objection in grant of Succession Certificate in favour of the of the 1st petitioner herein, who is his uncle, in respect of the securities held by his deceased grandfather J.Jinadathan. She has filed his consent affidavit in this regard. Ex.P.12 is her consent affidavit.

9. 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 first petitioner with power to collect the securities and to receive the interest and dividends 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.

25.01.2019

//Certified to be a true copy//

Dated this the day of 2019.

DL/04.02.2019

COURT OFFICER

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

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