

O.P.No.51 of 2018

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of Indian Succession Act XXXIX, 1925 r/w Order XXV, Rule 6 of O.S Rules for grant of succession certificate.

2.In the petition, it is stated that the deceased A.T.Pannirselvam, died on 21.04.2009 and he ordinarily resided at 15, Ramanathan Street, Kilpauk, Chennai - 600 010 and left the properties within the jurisdiction of this Court. The deceased died intestate and though due and diligent search has been made for Will, but, none has been found. The deceased is the husband of the petitioner. The deceased at the time of his death left behind the petitioner herein as his only surviving legal heir, who claims to be entitled a share of the estate of the deceased. The succession certificate is required for the purpose of receiving the proceeds out of the investments made in the shares and the assets in respect of which the succession certificate is required are of the value of Rs.17,21,963/-.

3. No application has been made at any District court or delegate or to any other High Court for probate of any Will of the said deceased or Letters of Administration with or without the Will annexed to his property

and credits or for a Succession Certificate. Hence, the petitioner has approached this Court for grant of Succession Certificate in favour of the petitioner, with power to collect the securities and to receive the interest and dividends or proceeds and negotiate and transfer the securities specified in the schedule.

4. The petitioner examined herself as P.W.1 and deposed evidence and also marked the following documents viz., Exs.P1 to P11.

i) Ex.P1 is the computer generated death certificate of my husband A.T.Pannirselvam, who died on 21.04.2009.

ii) Ex.P2 is the photocopy of the Legal Heirship certificate dated 19.10.2010 in respect of my deceased husband A.T.Pannirselvam (Marked after comparing and verifying with the original).

iii) Ex.P3 is the online statement of demat account of Integrated Enterprises (India) Limited as on 04.08.2017 in respect of shares and securities held by my deceased husband A.T.Pannirselvam.

iv) Ex.P4 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 27.09.2019.

v) Ex.P5 is the consent affidavit given by the 1st respondent herein stating that she has no objection in grant of succession certificate in my favour.

vi) Ex.P6 is the consent affidavit given by the 2nd respondent herein stating that she has no objection in grant of succession certificate in my favour.

vii) Ex.P7 is the consent affidavit given by the 3rd respondent through the 4th respondent who is the power agent of the 3rd respondent stating that she has no objection in grant of succession certificate in my favour.

viii) Ex.P8 is the consent affidavit given by the 4th respondent stating that she has no objection in grant of succession certificate in my favour.

ix) Ex.P9 is the consent affidavit given by the 5th respondent through the 2nd respondent who is the power of attorney of the 5th respondent stating that he has no objection in grant of succession certificate in my favour.

x) Ex.P10 is the original power of attorney dated 02.01.2018 given by 5th respondent in favour of 2nd respondent.

xi) Ex.P11 is the original power of attorney dated 05.01.2018 given by 3rd respondent in favour of 4th respondent.

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

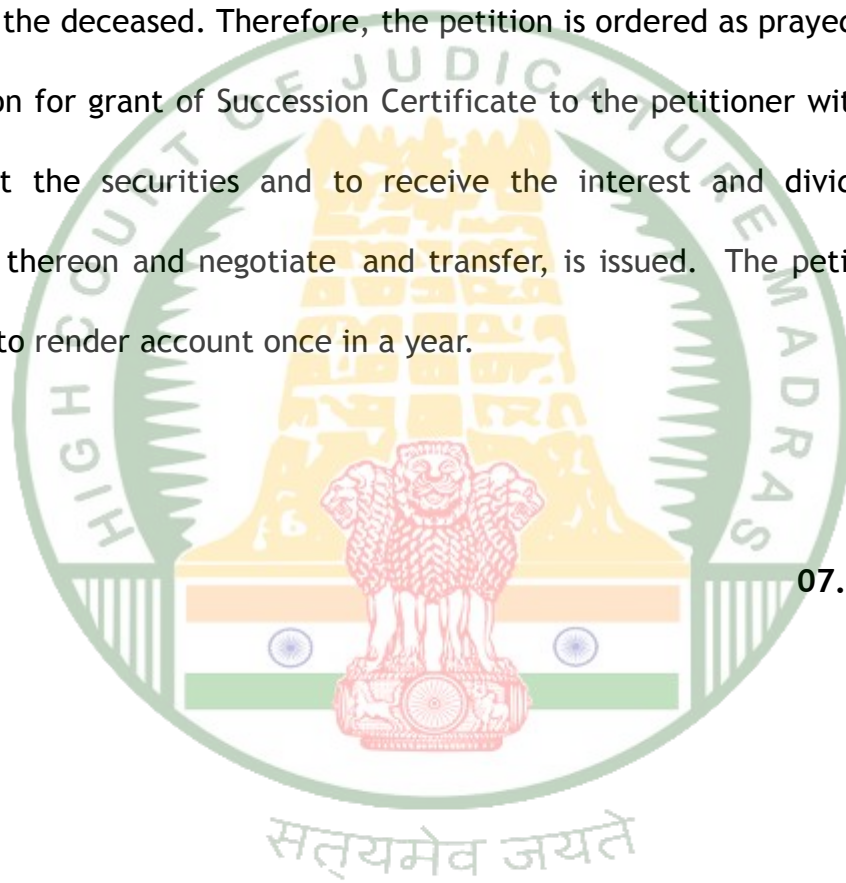
7.The learned counsel appearing for the respondents would submit that the respondents have no objection for allowing this petition and they

have already filed consent affidavit to that effect.

5.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 the interest and dividends or proceeds thereon and negotiate and transfer, is issued. The petitioner is directed to render account once in a year.

mp

07.11.2019

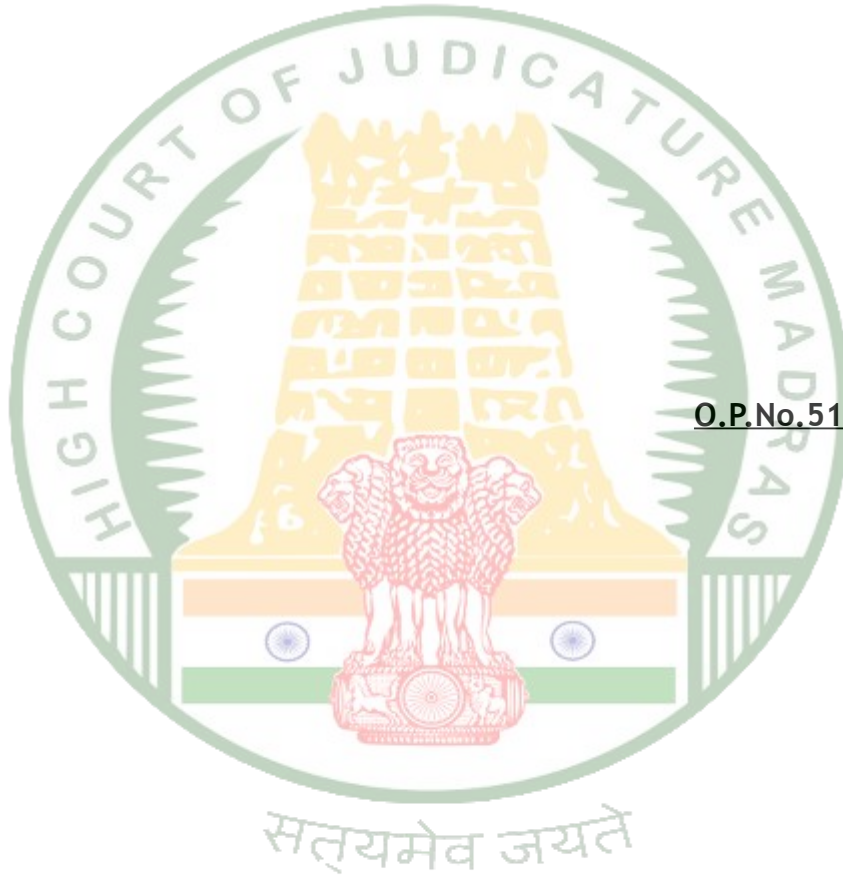


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