

O.P.No.648 of 2018

K.KALYANASUNDARAM, J.

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV 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 Vadakkekara Kavirajan, ordinarily resided at 9719 Field bloom Lane, Sugar Land, TX 77498, USA and died on 10.02.2016 at his residence. The deceased left the property specified in the Schedule within the jurisdiction of this Court. The deceased, during his life time, had executed a Will dated 13.04.2011, wherein, he has bequeathed his movable and immovable properties in various modes. But, he has not specifically mentioned about the shares held by him in respect of "Apollo Hospitals Enterprise Limited" which is more fully described in the Schedule hereunder. The original share certificates have been misplaced, following which, M/s.Apollo Hospitals Enterprise Limited had given a certificate stating that the shares in the Annexure were held by the deceased mentioning the details and reference in letter dated 2/9/2016. Subsequently, steps have been taken with M/s.Apollo Hospitals Enterprise Limited for transferring the shares in the name of the petitioners, for which, the Apollo Hospitals Enterprise Limited, in which shares were held by the deceased, had informed the petitioners to get Succession Certificate from the Hon'ble High Court,

Madras. The deceased at the time of death, left behind the petitioners herein, who are the wife and children, as his Class-I legal heirs, and they are entitled to claim the share in the estate.

3. The Succession Certificate is required for the purpose of transferring the Share Certificates/Bonds/Securities/Debentures, etc., in favour of the first petitioner. The said assets in respect of which the Succession Certificate is required are of the total value of Rs.51,35,200/-. 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 second petitioner examined himself as PW-1 and marked exhibits Exs.P1 to P8.

- a) Ex.P1 is the notarized copy of the passport of the deceased Mr.Vadakkekara Kavirajan.
- b) Ex.P2 is the original death certificate of Mr.Vadakkekara Kavirajan, who died on 10.02.2016.
- c) Ex.P3 is the notarized copy of the Will dated 13.04.2011 executed by Mr.Vadakkekara Kavirajan.

- d) Ex.P4 (series 4 Nos) are the notarized copies of the passport of the petitioners.
- e) Ex.P5 is the notarized copy of the OCI Visa card of the deceased Vadakkekara Kavirajan.
- f) Ex.P6 (series) are the e-mail correspondence.
- g) Ex.P7 is the original certificate dated 02.09.2016 issued by the Apollo Hospitals Enterprise Limited in respect of the shares held by Mr.V.Kavirajan along with the photocopy of the letter dated 25.03.1981 addressed to Mr.V.Kavirajan by Apollo Hospitals Enterprise Limited.
- h) Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 02.10.2018.

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

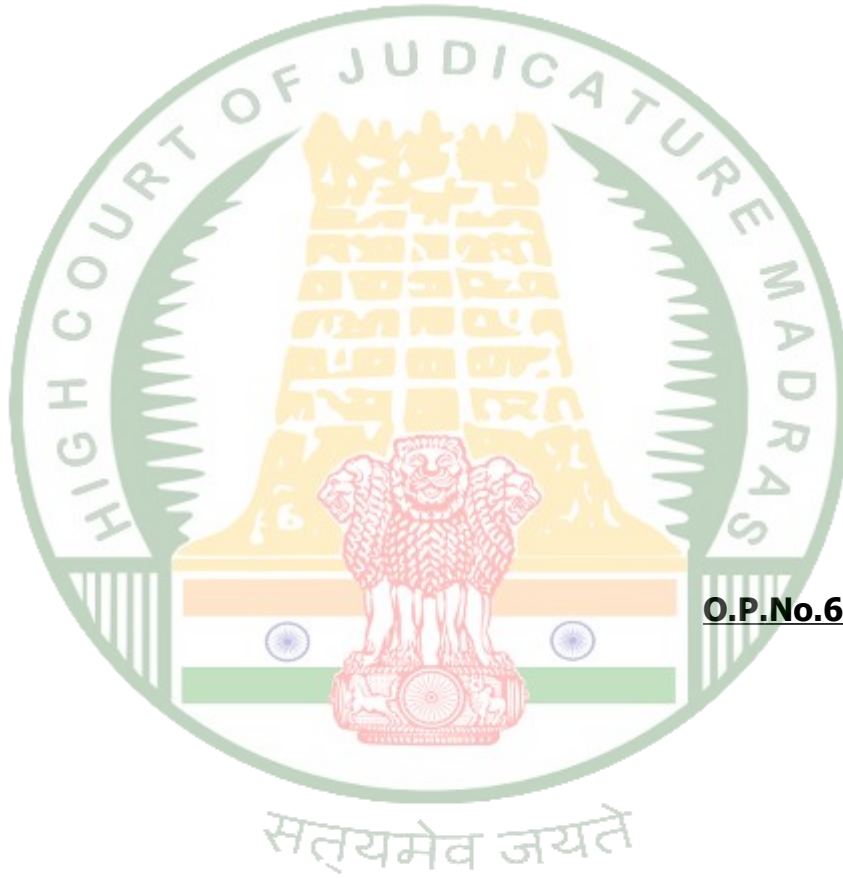
5. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power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

14.11.2019

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