

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.686 of 2018

In the matter of Indian
Succession Act XXXIX of
1925 and
In the matter of securities
of K.Bharathi (deceased)-
Intestate.

1.Sri K.Sriram
S/o.Late Bharathi
No.7, Veerabadran Street
Nungambakkam
Chennai - 600 034.

2.Smt.Geetha Sagar
D/o.Late Bharathi
No.13, Veerabadran Street
Nungambakkam
Chennai - 600 034.

3.Mrs.Rajeswari
D/o.Late Bharathi
No.13, Veerabadran Street
Nungambakkam
Chennai - 600 034.

4.Mrs.Uma Ananthan
D/o.Late Bharathi
No.7, Veerabadran Street
Nungambakkam
Chennai - 600 034.

5.Mr.K.Sivakumar
S/o.Late Bharathi
10B/14 VGM Street
Nungambakkam
Chennai - 600 034.

...Petitioners

Original Petition praying that this Hon'ble Court be
pleased to issue a Succession Certificate in favour of the
second petitioner herein with power to collect the
securities and to receive the interest and dividends there

on 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 XXXIX of 1925 under Order XXV Rule 6 of O.S. Rules to grant Succession Certificate in favour of the second petitioner.

2. It is the case of the petitioners that the deceased K.Bharathi, ordinarily resided at No.7, Veerabadran Street, Nungambakkam, Chennai 600 034 and died on 27.10.2017 at her residence. The deceased left behind the securities 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 at the time of her death left her sons and daughters as her legal heirs, the petitioners herein. The husband of the deceased predeceased her. The father and mother of the deceased are predeceased her. The petitioners as class-I heirs of the deceased claim to be entitled to have share in the estate of the deceased. The Succession Certificate is required for the purpose of obtaining amounts standing in the credit of the deceased in respect of the schedule mentioned securities. The asset in respect of which the Succession Certificate is required is of the value of Rs.5303094/- 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 second petitioner examined herself as PW1 and marked exhibits Exs.P1 to P4.

- a) Ex.P1 is the computer generated copy of the death certificate of Mrs.K.Bharathi, who died on 27.10.2017.
- b) Ex.P2 is the original Legal Heirship Certificate dated 05.02.2018 in respect of Mrs.K.Bharathi
- c) Ex.P3 is the computer generated copy of the statement of holding in the name of Mrs.K.Bharathi as on 29.08.2017.
- d) Ex.P4 is a copy of paper publication effected in one issue of Tamil Daily "Maalai Sudar" dated 21.09.2018.

She has further stated in her evidence that she 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 second

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.