

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
belonging to deceased
R.Gopalsamy died intestate

1.Mrs.G.Santha
W/o.Late R.Gopalsamy
the residing at B-8, Balaji Flats
75, Pillaiyar Koil Street
Maduvinkarai, Guindy
Chennai - 600 032.

2.Mr.G.Arun Prasad
S/o.Late R.Gopalsamy
Residing at B-8, Balaji Flats
75, Pillaiyar Koil Street
Maduvinkarai, Guindy
Chennai - 600 032.

3.Mr.G.Madan Prasad
S/o.Late R.Gopalsamy
residing at B-8, Balaji Flats
75, Pillaiyar Koil Street
Maduvinkarai, Guindy
Chennai - 600 032.

4.Mrs.M.Sangeetha
D/o.Late R.Gopalsamy and
W/o.Mr.P.Muthukrishnan
Residing at No.13, Parvathi Nagar
S.S.Nallur Post
Mayiladuthurai Taluk
Nagapattanam District
Tamil Nadu - 609 118

Petitioners 1,2 and 4 are
Represented by their Power
of Attorney Mr.G.Madan Prasad
the 3rd petitioner herein.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession certificate may be granted to the petitioners with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities belonging to the deceased R.Gopalsamy, 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 petitioners.

2. It is the case of the petitioners that the deceased R.Gopalsamy, ordinarily resided at No.B-8, Balaji Flats, 75, Pillaiyar Koil Street, Maduvinkarai, Guindy, Chennai - 32 and died on 12.01.1995 at his residence. The deceased left 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 died intestate leaving behind him, all the petitioners herein as his Class-I legal heirs. 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 transmission of shares into the names of the petitioners. The asset in respect of which the Succession Certificate is required is of the value of Rs.295368.75/- as on date of

filing this Original Petition. Each petitioner is entitled for equal share of the estate of the deceased R.Goplasamy.

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 third petitioner examined himself as PW1 and marked exhibits Exs.P1 to P6.

- a) Ex.P1 is the photocopy of the death certificate of his father R.Gopalsamy, who died on 12.01.1995. (Marked after comparing and verifying with the original).
- b) Ex.P2 is the photocopy of the certified copy of the Legal Heirship Certificate dated 09.02.1995 in respect of his deceased father R.Gopalsamy (Marked after comparing and verifying with the original certified copy).
- c) Ex.P3 (series 4 Nos) are the photocopies of the letter (1 No.), share certificates (3 Nos), standing in the name of his deceased father R.Gopalsamy, issued by Shriram Investments Limited, Chennai (Marked after comparing and verifying with the original).
- d) Ex.P4 is the photocopy of the special power of attorney dated 27.12.2017 executed by the petitioners 1,2, & 4 in his favour to represent them in legal proceedings (Marked after comparing and verifying with the original).

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 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.

//Certified to be a true copy//
Dated this the day of 2019.
04.02.2019 COURT OFFICER

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