

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.P.No.395 of 2016

1.Mrs.Chetna Yogesh Sanghvi

2.Mrs.Parul Nitin Shah

... Petitioners

Vs.

1.Mr.Monil Rajesh

2.Mr.Fanil Rajesh

...Respondents

For Petitioner: Mr.Shah and Shah

Prayer: Original Petition filed under Section 372 of the Indian Succession Act, 1925 and Order XXV, Rule 6 of Original Side rules, 1956 prays that a succession certificate may be granted to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

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ORDER

The petitioners seek issuance of Succession Certificate in respect of securities held by Manvati.H.Shah, Himatlal.N.Shah, and Kamalesh.H.Shah who died intestate on 13.07.2012, 04.11.2011 and 03.12.2011 respectively. The petitioners are the daughters of Manvati.H.Shah, Himatlal.N.Shah and the sisters of Kamalesh.H.Shah.

The death certificate of all the three of them have been produced as Exs.P1, P2 and P3.

2.The legal heirship certificate of Himatlal.N.Shah has been produced as Ex.P.4. From Ex.P.4, it is seen that the petitioners are the legal heirs of the deceased Himatlal.N.Shah and Manvati.H.Shah. The legal heirship certificate also reveals that Kamallesh.H.Shah son of Himatlal.N.Shah was married to one Rimple.K.Shah and the said marriage was dissolved by a decree of divorce granted in F.C.O.P.No.1557 of 1999 on the file of the IIInd Additional Family Court, Chennai.

3.In view of the above facts it is clear that the petitioners are the legal heirs of the deceased persons. The 1st petitioner has been examined as P.W.1. Considering the materials available on record this application is allowed granting, Succession Certificate in respect of securities mentioned in the schedule to the petition in favor of the petitioners.

25.03.2019

R.SUBRAMANIAN.J.,

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