

O.P.No.502 of 2019

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 first petitioner.

2. It is the case of the petitioners that the deceased V.Girinath Giri ordinarily resided at Old No.58, New No.10, Giri Road, T.Nagar, Chennai-600 017 and died on 27.11.2010 at Apollo Hospitals, Chennai. The deceased died intestate and left the property specified in the Schedule within the jurisdiction of this Court. Though due and diligent search has been made for a Will but none has been found. The deceased at the time of his death, left behind the petitioners herein, as his Class-I legal heirs, and they are entitled to a share in the estate. The deceased, during his lifetime, had purchased various shares in various companies and the same has been mentioned in the schedule. When the petitioners approached the Stock Holding Corporation of India for transferring the company shares in their name, they insisted the petitioners to furnish the succession certificate.

3. The Succession Certificate is required for the purpose of transferring the entire shares mentioned in the Schedule in favour of the first petitioner, for

which, the petitioners 2 to 4 have given their consent. The assets in respect of which the Succession Certificate is required are of the total value of Rs.43,67,806/-. 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 first petitioner examined himself as PW-1 and marked exhibits Exs.P1 to P6.

- a) Ex.P1 is the computer generated death certificate of his father V.Girinath Giri, who died on 27.11.2010.
- b) Ex.P2 is the photocopy of the Legal Heirship certificate dated 15.07.2011 in respect of his father V.Girinath Giri (Marked after comparing and verifying with the original).
- c) Ex.P3 is the photocopy of the letter dated 20.01.2015 issued by Stock Holding Corporation of India Limited addressed to him asking for transmission of shares in respect of shares held by his father V.Girinath Giri in client ID No.22357140 (Marked after comparing and verifying with the original).
- d) Ex.P4 (series 2 sheets) are the photocopies of Stock Holding statement dated 01.10.2018 in respect of shares which stands in the name of his father V.Girinath Giri (Marked after comparing and verifying with the original).

- e) Ex.P5 is the joint consent affidavit given by the 2nd, 3rd and 4th petitioners stating that they have no objection in grant of succession certificate in his favour.
- f) Ex.P6 is a copy of paper publication effected in one issue of Tamil daily "Thina Boomi" dated 04.09.2019.

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 first 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 first petitioner with power to collect the securities and to receive interest and dividends, negotiate and transfer the Schedule mentioned securities, is issued. The first petitioner is directed to render account once in a year.

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23.10.2019

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