

O.P.No.695 of 2019

SENTHILKUMAR RAMAMOORTHY,J

This petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 6 of the Original Side Rules for grant of a Succession Certificate to the seventh petitioner in respect of the securities specified in the schedule to the petition with power to collect the securities and to receive the dividends thereon and negotiate and transfer the said securities.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that a Succession certificate is requested in respect of the estate of the deceased mother of the second, third and seventh petitioners. He further submits that the first petitioner is the husband, the fourth petitioner is the daughter-in-law and the fifth and sixth petitioners are the grandchildren aged 29 years and 24 years respectively, and born to the elder brother of the seventh petitioner, who died on 02.04.2000. The learned counsel further submits that evidence was adduced by examining the seventh petitioner as P.W.1 and the following documents were exhibited in evidence:

i. Ex.P1 is the computer generated death certificate of the deceased mother N.Chandra, who died on 28.12.2017.

ii. Ex.P2 is the photocopy of the Legal Heirship Certificate dated 30.04.2018 in respect of the deceased mother.

iii. Ex.P3 is the photocopy of the death certificate of N.Thangarajan, who is the elder brother of the seventh petitioner.

iv. Ex.P4 is the photocopy of the Legal Heirship Certificate dated 19.05.2000 in respect of N.Thangarajan, who is the elder brother of the seventh petitioner.

v. Ex.P5 is the photocopy of the letter dated 27.12.2003 from the TVS Motor Company Limited addressed to the deceased mother in respect of shares held by her.

vi. Ex.P6 is the photocopy of the share certificate bearing certificate No.006857 standing in the name of the deceased mother N.Chandra issued by TVS Motor Company Limited.

vii. Ex.P7 is the photocopy of the letter dated 10.09.2010 from TVS Motor Company Limited addressed to the deceased mother in respect of the allotment of shares to her.

viii. Ex.P8 is the photocopy of the share certificate bearing certificate No.17980 standing in the name of the deceased mother N.Chandra issued by TVS Motor Company Limited.

ix. Ex.P9 is the letter dated 21.02.2019 from Sundaram-Clayton Limited addressed to the first petitioner, asking for succession certificate from competent court of law.

x. Ex.P10 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 16.10.2019.

4. He also submits that the seventh petitioner's mother died intestate on 28.12.2017 at M.V.Hospital, No.57, Main Road, Royapuram, Chennai, and that she ordinarily resided at No.61/3, Nammaiah Maistry Street, New Washermenpet, Chennai and her assets are within the jurisdiction of this Court.

5. In view of the evidence recorded in the matter, he submits that the seventh petitioner is entitled to the issuance of the Succession Certificate so as to be in a position to collect the securities specified in the schedule to the petition and to negotiate the same or to receive dividends thereon.

6. The submissions of the learned counsel for the petitioners were considered and the evidence was examined. Upon examining the evidence, the following are evident:

i. The mother of the seventh petitioner died on 28.12.2017 [Ex.P1].

ii. The seventh petitioner's elder brother died on 02.04.2000 [Ex.P3]

iii. As per the legal heirship certificate dated 30.04.2018 of the seventh petitioner's mother, N.Chandra, the first, second, third and seventh petitioners are the only surviving class I legal heirs of the deceased, Mrs. N.Chandra.

iv. All the said class I legal heirs along with the grandchildren born to the deceased elder brother, N.Thangarajan, have jointly filed the present petition for the grant of a Succession Certificate to the seventh petitioner.

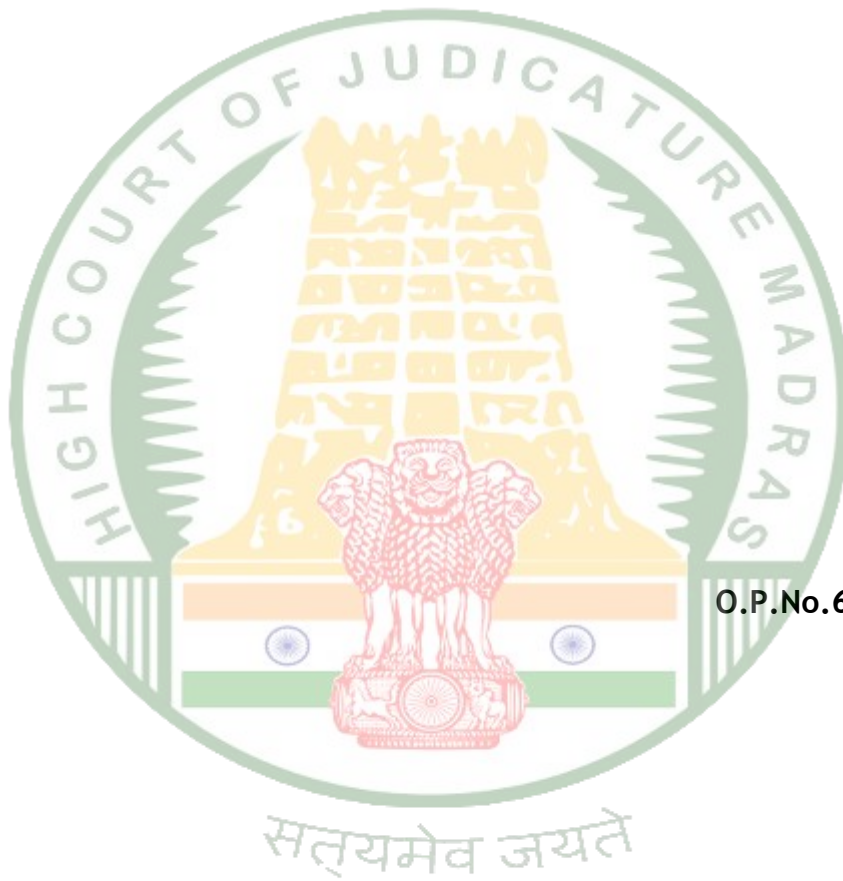
7. Based on the above, it is clear that all the legal requirements under the Indian Succession Act and the Original Side Rules have been satisfied by the petitioners. Accordingly, this petition is liable to be allowed.

8. Consequently this petition is allowed by directing that a Succession Certificate shall be granted to the seventh petitioner in respect of the securities specified in the schedule to the petition with the power to collect the said securities and to receive dividends thereon, accretions thereto by way of bonus shares, etc. and negotiate and transfer the said securities.

04.12.2019

SENTHILKUMAR RAMAMOORTHY, J.

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