

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 24TH DAY OF JANUARY 2019

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

O.P.No.1017 of 2017

In the matter of Indian
Succession Act, XXXIX of 1925
and
In the matter of Securities
belonging to Mr.K.Sankaran,
died intestate.

1.Mrs.Lalitha Sankaran (Age 73)
W/o.Late.K.Sankaran
New No.35, Old No.15
Thiruvengadam Street
Kasturi Bai Nagar
Adyar, Chennai - 600 020.

...Petitioner

-Vs-

1.Mr.S.Murali Krishnan (Age 48)
S/o.Late K.Sankaran
G.904, Executive Towers
Business Bay
Dubai, United Arab Emirates

2.Mrs.Vishalini Sankaran (Age 43)
D/o.Late K.Sankaran
P.O.Box.35347
Dubai, United Arab Emirates

...Respondents

Original petition Application praying that this Hon'ble Court be pleased to grant succession certificate in favour of the petitioner herein Mrs.Lalitha Sankaran, with the power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

This Original Petition coming on this day before this

This Petition has been filed under Section 372 of Indian Succession Act read with Order XXV Rule 6 of O.S. Rules to grant Succession Certificate in favour of the petitioner.

2. It is the case of the petitioner that the deceased K.Sankaran, ordinarily resided at New No.35, Old No.15, Thiruvengadam Street, Kasturi Bai Nagar, Adyar, Chennai - 600 020 and died on 13.11.2015 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 parents of the deceased predeceased him. The deceased at the time of his death left his wife (petitioner), son (1st respondent) and daughter (2nd respondent) as his legal heirs. The first and second respondents are residing at Dubai, United Arab Emirates and they have filed their consent affidavit for granting succession certificate in favour of the petitioner herein. 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 certain claims made by the petitioner which relates to the shares related to the deceased Mr.K.Sankaran. The asset in respect of which the Succession Certificate is required is of the value of Rs.21,72,586.80/- 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 petitioner examined herself as PW1 and marked exhibits Exs.P1 to P7.

- a) Ex.P1 is the computer generated death certificate of her husband K.Sankaran, who died on 13.11.2015.
- b) Ex.P2 (Series 2 Nos) are the original client master details dated 28.01.2017 along with statement of valuation as on 28.01.2017 issued by Integrated Enterprises India Limited in respect of shares and securities held by her deceased husband K.Sankaran.
- c) Ex.P3 is the photocopy of the Legal Heirship Certificate dated 05.12.2016 in respect of her husband K.Sankaran. (Marked after comparing and verifying with the original).
- d) Ex.P4 is the consent affidavit given by the 1st respondent stating that he has no objection in grant of succession certificate in his favour.
- e) Ex.P5 is the consent affidavit given by the 2nd respondent stating that he has no objection in grant succession certificate in his favour.

f) Ex.P6 is a copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 31.07.2018.

g) Ex.P7 is the photocopy of her passport bearing No.H0830744 (Marked after comparing and verifying with the original).

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 petitioner, I am satisfied that the petitioner had succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner 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 petitioner is directed to render account once in a year.

Sd/ .M.K.K.S.J.

24.01.2019

//Certified to be a true copy//

Dated this the th day of 2019.

DL/11.02.2019

COURT OFFICER

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