

O.P.No.1130 of 2018

SENTHILKUMAR RAMAMOORTHY,J

This petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rules 2 and 6 of the Original Side Rules for grant of Succession Certificate to the petitioner in respect of the securities specified in the schedule to the petition with the power to collect the debts and to receive the interest and dividends and negotiate and transfer the securities.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is the only son and the sole surviving class I legal heir of his deceased mother, AR.Meenal. He further submits that his mother was permanently residing at No.13/18, Kennady Street, Vinayagapuram, Ambattur, Thiruvallur - 600 053. He also submitted that his mother died intestate on 25.06.2017, leaving the petitioner as the only surviving class I legal heir. The Learned counsel further submitted that the petitioner's mother was holding shares in two companies as per the details set out in paragraph 3 of the petition and that the total value of these securities is about Rs.22,26,000/- as specified in paragraph 4 of the petition.

4. The learned counsel further submitted that evidence was recorded before the learned Master wherein the petitioner was examined as P.W.1 and the following documents were marked as exhibits:

i. Ex.P1 is the computer generated death certificate of the petitioner's father P.L.Arunachalam, who died on 27.12.1986.

ii. Ex.P2 is the original legal heirship certificate dated 04.11.1999 in respect of the deceased father P.L.Arunachalam.

iii. Ex.P3 is the computer generated death certificate of the petitioner's mother AR.Meenal, who died on 25.06.2017.

iv. Ex.P4 is the original legal heirship certificate dated 01.12.2017 in respect of the deceased mother AR.Meenal.

v. Ex.P5 is the original share certificate bearing certificate No.24159 in Tube Investments of India Limited held by the deceased mother AR.Meenal.

vi. Ex.P6 is the original share certificate bearing certificate No.24159 in TI Financial Holdings Limited held by the deceased mother AR.Meenal.

vii. Ex.P7 is the e-mail communication dated 20.04.2018 addressed to the petitioner from TICO asking for the succession certificate from the competent court of law.

viii. Ex.P8 is the another e-mail communication dated 07.08.2018 addressed to the petitioner from TICO showing the value of the shares held by the deceased mother.

ix. E.P9 is a copy of paper publication effected in one issue of Tamil Daily "Hindu Tamil Dhisai" dated 30.06.2019.

5. Based on the above, the learned counsel for the petitioner submitted that the petitioner is entitled to grant of the Succession Certificate.

6. Upon considering the submissions of the learned counsel for the petitioner and on examining the evidence recorded in this case, the following are evident.

i. The petitioner's mother passed away on 25.06.2017 as evidenced by the death certificate issued on 24.08.2018 [Ex.P3].

ii. The petitioner's father predeceased the mother and passed away on 27.12.1986 as evidenced by the death certificate dated 24.08.2018 [Ex.P1].

iii. The only class I legal heir of the deceased mother is the petitioner as per the legal heirship certificate issued on 01.12.2017 [Ex.P4].

iv. The paper publication has also been effected in the Tamil daily, "Hindu Tamil Dhisai" dated 30.06.2019 [Ex.P9].

7. It is stated in the petition that no previous petition was filed for issuance of Succession Certificate before any District Court or delegate or High Court and that no previous petition was filed for grant of letters of administration with or without a Will annexed.

8. Based on the above facts and circumstances, it is clear that the petitioner has satisfied all the legal requirements under the Indian Succession Act read with the Original Side Rules for grant of Succession Certificate. Accordingly, this petition is allowed and the Succession Certificate is granted to the petitioner in respect of the securities specified in the schedule to the petition with power to collect the debts and receive the interest and dividends thereon and to negotiate and transfer the securities.

04.12.2019

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