



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

THURSDAY, THE 09TH DAY OF JANUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.608 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of
certain Securities in
respect of Mrs.Alka
Mohnot, deceased
intestate

1. Mr.VISHWAJEET MOHNOT (aged 58 years),
ELCANSO Flat 2-B, No.9,
Casa Major Road, Egmore,
Chennai-600008.

2. MRS.AKSHITA KOTHARI (Aged 28 years)
D/o.Vishwajeet Mohnot, S-23,
Bhawani Singh Marg, C-Scheme,
Jaipur, Rajasthan-302001.

3. ABHIJEET MOHNOT (aged 26 years)
S/o.Vishwajeet Mohnot,
ELCANSO Apartments,
Flat 2-B, No.9, Casa Major Road,
Egmore, Chennai-600008.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession certificate may be granted to the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule in the petition.

This Original Petition coming on this day before this court for hearing the court made the following order:

This petition has been filed under Section 372 of the Indian Succession Act 1925 and Order XXV Rule 6 of O.S.Rules to grant succession certificate in favour of the



first petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule to the petition.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the first petitioner's wife died in Chennai on 21.10.2006. She further submitted that the deceased ordinarily resided at Girdhar Niwas, Flat 1 C/D No.2, New Street, Ayyavu Naidu Colony, Aminjikarai, Chennai and also left property, which is within the jurisdiction of this Court. She further submitted that evidence was adduced and that the first petitioner was examined as PW1 and the following documents were exhibited:

1. Ex.P1 is the computer generated copy of the death certificate of Alka Mohnot, who died on 21.10.2006.

2. Ex.P2 is the certified copy of the Legal Heirship Certificate dated 06.06.2007 in respect of Alka Mohnot.

3. Ex.P3 is the photocopy of the share certificate of HDFC Bank Limited bearing registered Folio NO.HB0361863 and certificate

No.003016889 standing in the name of Alka Mohnot.



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4. Ex.P4 is the photocopy of the first petitioner's Aadhaar card bearing No.5427 0100 5344 along with the copy of PAN Card.
5. Ex.P5 is a copy of paper publication effected in one issue of Tamil daily "Dina Malar" dated 15.10.2019.

The learned counsel for the petitioners further submitted that petitioners 2 and 3, who are the son and daughter of the deceased, have stated in the petition that they have no objection to the grant of a Succession Certificate to the first petitioner.

4. I considered the submissions of the learned counsel and examined the evidence recorded in this case.

5. From the above, the following is evident:

(a) the first petitioner's wife died on 21.10.2006 as evidenced by Ex.P1.

(b) the legal heirship certificate, namely Ex.P2, shows that the petitioners are the only surviving Class-I legal heirs of the deceased.

<https://hcservices.ecourts.gov.in/hcservices/> (b) paper publication was duly effected and marked as Ex.P5.



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6. It is stated in the petition that no previous application was 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 a Will annexed. It is further stated that no application for a Succession Certificate was made previously in respect of any debt or security belonging to the estate of the deceased Ms. Alka Mohnot, to any District Court or delegate or to any High Court.

7. Therefore, it is clear that the first petitioner is entitled to succeed to the estate of his deceased wife. Therefore, this Original Petition is allowed and a Succession Certificate shall be granted to the first Petitioner in respect of the securities set out in the schedule to the petition with the power to collect the said securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule.

Sd/.S.K.R.J.

09.01.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/20.01.2020

COURT OFFICER

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