

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.431 of 2019

1. C.Raghavan (Deceased)
 2. Raghavan Naresh
 3. Sripriya Maiolan
- ...Petitioners

Original Petition filed for issue of Succession Certificate under Section 372 of Indian Succession Act & under Order XXV Rule 6 of the Original Side Rules praying to grant a succession certificate in favour of the petitioners with power to collect the securities and receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Ms.Madhu Preethi

ORDER

This petition is 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 second and third petitioners in respect of the securities listed in the Schedule to the petition.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submitted that the first petitioner was the husband of Mrs.Suseela Raghavan, who died on 28.10.2001. The second and third petitioners are her son and daughter respectively. The learned counsel also submitted as follows: The mother of the second and third petitioners died on 28.10.2001 at Vijaya Hospital, Chennai and she ordinarily resided at No.18, 2nd street, Nanganallur, Chennai-600 061, which is within the jurisdiction of this Court. She further submitted that evidence was recorded in support of the petition and that the first petitioner was examined as P.W.1. In the course of the examination in chief of P.W.1, the following 15 documents were exhibited:

- Ex.P1 - The original death certificate of Suseela Raghavan, who died on 28.10.2001.
- Ex.P2 - The photocopy of the Legal Heirship Certificate dated 31.01.2002 in respect of Suseela Raghavan (Marked after comparing and verifying with the original)

- Ex.P3 - The Computer generated death certificate of Raghavan Chakrapani, who died on 15.05.2019.
- Ex.P4 - The computer generated Legal Heirship certificate dated 05.12.2019 in respect of Raghavan Chakrapani.
- Ex.P5 - The photocopy of the share certificate bearing certificate No.5110230 issued by Hindustan Lever Limited standing in the name of Mrs.Suseela Raghavan (marked after comparing and verifying with the originals).
- Ex.P6 - The photocopy of the share certificate bearing certificate No.0070597 issued by Uttam Value Steels Limited standing in the name of Mrs.Suseela Raghavan (marked after comparing and verifying with the originals).
- Ex.P7 - The photocopy of the share certificate bearing certificate No.00669064 issued by Lloyds Steels Industries Limited standing in the name of Mrs.Suseela Raghavan (marked after comparing and verifying with the originals).
- Ex.P8 - The photocopy of the share certificate bearing certificate No.00290805 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).
- Ex.P9 - The photocopy of the share certificate bearing certificate No.0972784 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and

verifying with the originals).

Ex.P10 – The photocopy of the share certificate bearing certificate No.0549294 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).

Ex.P11- The photocopy of the share certificate bearing certificate No.2017416 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).

Ex.P12 - The photocopy of the share certificate bearing certificate No.2017415 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).

Ex.P13 - The photocopy of the share certificate bearing certificate No.2017413 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).

E.P14 – The photocopy of the share certificate bearing certificate No.2017414 issued by Nippon Denro Ispat Limited standing in the name of Mrs.Suseela (marked after comparing and verifying with the originals).

Ex.P15 – A copy of paper publication effected in one issue of Tamil daily

"Makkal Kural" dated 21.11.2019.

4. Based on the aforesaid, the learned counsel submitted that the petitioners have established that they are entitled to succeed to the estate of their mother Suseela Raghavan.

5. The learned counsel also pointed out that the first petitioner died during the pendency of the petition and that upon filing the memo dated 28.06.2019, the death of the first petitioner has been recorded in the petition.

6. I considered the submissions of the learned counsel and examined the evidence recorded in support of the petition. On examining the evidence recorded in the case, I find that the following is evident:

"(i) The original death certificate of Suseela Raghavan was marked as Ex.P1 and this document reflects that she died on 28.10.2001.

(ii). The legal heirship certificate dated 31.01.2002 has been marked as Ex.P2 and it shows the names of all the three petitioners herein as the class-I legal heirs of the deceased.

(iii). The death certificate of the first petitioner has been filed as Ex.P3 and it shows that he died on 16.05.2019 after the petition was filed.

(iv) Paper publication was duly effected in one issue of the Tamil daily "Makkal Kural" on 21.11.2019 and the said paper publication has been marked as Ex.P15."

7. It is also stated in the petition that no 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 Will annexed and no earlier application was filed for succession certificate in respect of the estate of the deceased. Therefore, I find that there is no impediment to the grant of a succession certificate and the petitioners had made out a case succeed to the estate of the deceased.

8. Accordingly, this petition is allowed and it is directed that the

Succession Certificate be granted to the second and third petitioners in respect of the securities listed in the Schedule to the petition, with power to collect the securities, receive dividends thereon and negotiate and transfer the said securities.

04.02.2020

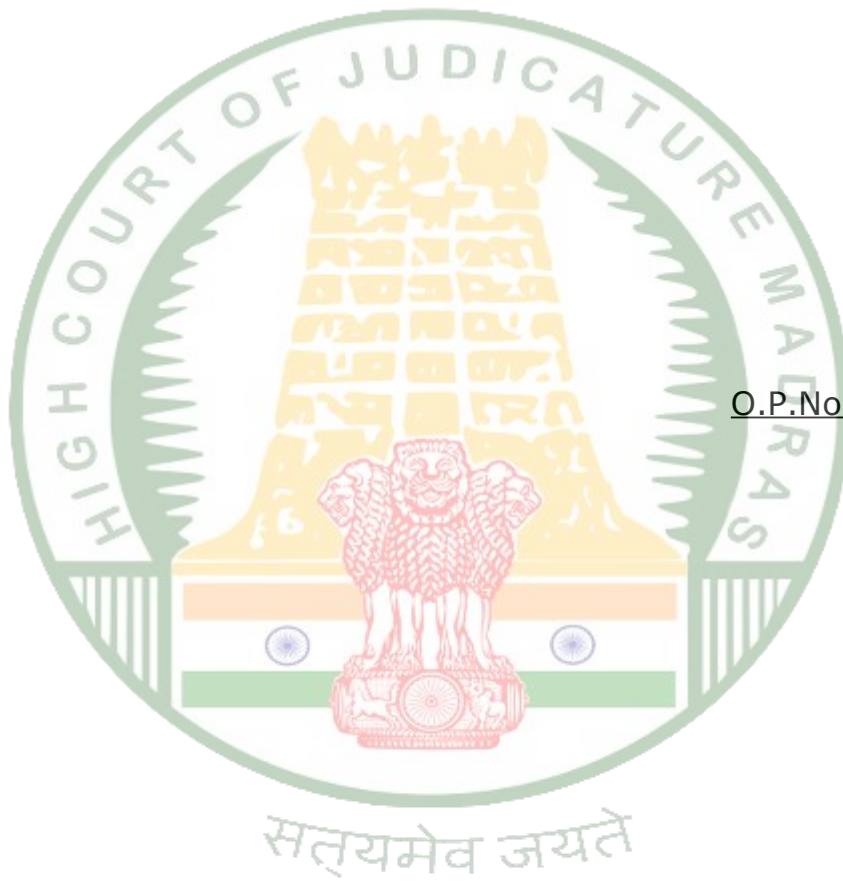
Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes
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SENTHILKUMAR RAMAMOORTHY, J.

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O.P.No.431 of 2019

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04.02.2020