

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.610 of 2019

1.Rajmal Jain

2.Uttamchand Jain

3.Hemlata Chhajer

4.Bandari Rangeela

5.Mukesh

6.Aruna

...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 to the fifth petitioner with power to collect the securities and to receive the interests and dividends thereon and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Ms.R.V.Gayatri
for M/s.P.B.Ramanujam

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 fifth petitioner 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 petitioners are the sons and daughters of the deceased T.Rani Bai, who ordinarily resided at No.9, Narayana Mudai Lane, Sowcarpet, Chennai - 600 001, 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 PW-1. During the course of evidence of PW-1, nine documents were exhibited. The said documents included the death certificate of the petitioner's mother, the legal heirship certificate, the paper publications and the consent affidavits of all the petitioners other than the fifth petitioner. Therefore, she submits that the succession certificate may be issued in the name of the fifth petitioner.

4. I considered the submissions of the learned counsel and examined the evidence recorded. On examining the evidence

recorded in the case, I find that the following is evident:

“(i). The petitioners mother Rani Bai died on 24.03.2017 as evidenced by Ex.P1.

“(ii). The legal heirship certificate dated 22.09.2017 has been marked as Ex.P3 and it shows the names of all the petitioners herein.

“(iii). Paper publication was duly effected.

“(iv) Petitioners 1, 2, 3, 4 and 6 have issued consent affidavits stating that they have no objection to the grant of Succession certificate to the fifth petitioner.”

5. It is stated in the petition that in spite of a diligent search, no Will of the deceased was found. It is also stated 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 any Will annexed. Therefore, the petitioners have established the entitlement to succeed to the estate of the deceased.

6. Accordingly, this petition is allowed and it is directed that the Succession Certificate be granted to the fifth petitioner 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.

20.01.2020

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Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes

SENTHILKUMAR RAMAMOORTHY, J.

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