

O.P.No.508 of 2019

SENTHILKUMAR RAMAMOORTHY, J

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

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submits that the petitioners are the daughters and sons of the late Mr.N.Ramadoss, son of S.Nagapillai, who ordinarily resided at No.10, 3rd Cross Street, Dr.Radhakrishnan Nagar, Thiruvanmiyur, Chennai- 600 041, which is within the jurisdiction of this Court. He further submits that the wife of the deceased and his mother pre deceased him and therefore the petitioners are the only surviving Class-I legal heirs of the deceased.

4. In order to establish the case, the learned counsel for the petitioners further submits that evidence was recorded through the third petitioner who was examined as P.W.1. In the course of such evidence, the following five documents were marked as exhibits by the petitioners:

1. Ex.P1 is the photocopy of the Legal Heirship certificate dated 04.07.2007 in respect of petitioners' father N.Ramadoss (Marked after comparing and verifying the original).
2. Ex.P2 is the computer generated death certificate of the petitioner's mother R.Gomathi, who died on 31.01.2005.
3. Ex.P3 is the photocopy of the death certificate of N.Ramadoss, who died on 30.05.2007(Marked after comparing and verifying with the original).
4. Ex.P4 is the photocopy of the share certificate bearing certificate No.100136 issued by Shilpa Medicare Limited standing in the name of the petitioner's deceased father N.Ramaoss (Marked after comparing and verifying with the original).
5. ExP.5 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 21.10.2019.

5. He further submits that the third petitioner is entitled to the grant of the succession certificate. He also pointed out that the petitioners 1 and 2 have signed the petition and thereby agreed to the grant of succession certificate in favour of the third petitioner.

6. I considered the submissions of the learned counsel for the petitioners and examined the evidence recorded in this case.

7. From the aforesaid, I find that the petitioners' father the late Mr.N.Ramadoss died on 30.05.2007 as evidenced by Ex.P3. The petitioners' mother R.Gomathi died on 04.07.2007 as evidenced by Ex.P2. The Legal Heirship certificate dated 04.07.2007 (Ex.P1) in respect of Mr.N.Ramadoss reflects the names of the three petitioners as Class I legal heirs. Paper Publication was also effected as evidenced by Ex.P5. It is also stated in the petition that no application has been 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.

8. Therefore, I am of the view that the petitioners have made out a case for grant of a Succession Certificate in favour of the third petitioner. Accordingly, this Original Petition is ordered as prayed for and the Succession Certificate shall be granted to the third petitioner in respect of the securities specified in the schedule to the petition with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities.

30.01.2020

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SENTHILKUMAR RAMAMOORTHY, J.

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