

O.P.No.594 of 2019

SENTHILKUMAR RAMAMOORTHY ,J.

This petition has been filed for the grant of succession certificate to the second petitioner in respect of the securities described in the schedule of the petition.

2. I heard the learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the first petitioner is the wife of the late Purushottam U.Davey, who died on 16.10.2002 at No.47, Raghu Shalu Street, Park Town, Chennai, within the jurisdiction of this Court. He further submits that the petitioners 2 to 5 are the sons of the late Purushottam U.Davey and the first respondent. In support of the petition, he submits that evidence was recorded by examining the second petitioner as P.W.1. He further submits that, during the course of evidence, the following 10 documents were marked as Exs.P1 to P10. The documents thus marked are tabulated below:

<i>Exhibits</i>	<i>Description of Documents</i>
Ex-P1	The photocopy of the share certificate of The Federal Bank Limited bearing registered Folio No.51130 and certificate No.506012 in the name of Purushottam U Davey (Marked after comparing with the original)
Ex-P2	The photocopy of the share certificate of The Federal Bank Limited bearing registered Folio No.51130 and certificate No.605148 in the name of Purushottam U Davey (Marked

Exhibits	Description of Documents
	after comparing and verifying with the original)
Ex-P3	The Photocopy of the share certificate of Corporation Bank bearing registered Folio No.CBE077779 and certificate No.404938 in the name of Purushottam U Davey (Marked after comparing and verifying with the original)
Ex-P4	The original death certificate of Purushottam U Davey, who died on 16.10.2002.
Ex-P5	The photocopy of the Legal Heirship certificate dated 28.11.2002 in respect of Purushottam U Davey.
Ex-P6	Consent affidavit given by the 1 st petitioner
Ex-P7	Consent affidavit given by the 3 rd petitioner
Ex-P8	Consent affidavit given by the 4 th petitioner
Ex-P9	Consent affidavit given by the 5 th petitioner
Ex-P10	Paper publication effected in one of Tamil daily "Makkal Kural" dated 02.10.2019.

Among the above documents, Exs.P6 to P9 are the consent affidavits of the petitioners 1, 3 to 5. Therefore he submits that a succession certificate may be granted to the second petitioner.

4. I considered the submissions of the learned counsel and examined the evidence on record.

5. From evidence recorded, it appears that the husband of the first petitioner died on 16.10.2002, which is evidenced by the death certificate, namely Ex.P4. Legal heir certificate dated 28.11.2002 has been marked as Ex.P5 and the said document shows the names of the five petitioners as the class-I legal heirs of the deceased. Each of the other petitioners, namely,

Petitioners 1, 3 to 5 has given consent affidavits, namely Exs.P6 to P9.

6. Paper publication was also duly effected in one Tamil daily, namely, Makkal Kural, on 02.10.2019 and the said document has been marked as Ex.P10. It is stated in the petition that no application was filed in the District Court or delegate or to any High Court for probate of any Will of the said deceased, namely, Purushottam U.Davey or for letters of administration with or without a Will annexed and that no petition was filed earlier for a succession certificate.

7. Based on the foregoing, I find that the second petitioner is entitled to the grant of succession certificate. Accordingly, this petition is allowed by directing that a succession certificate be granted to the second petitioner in respect of the securities listed in the schedule to the petition with power to collect the securities and to receive the interest and dividend thereon and negotiate and transfer the certificate.

8. The Registry is directed to return the original death certificate, which was marked as Ex.P4 to the petitioner.

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SENTHILKUMAR RAMAMOORTHY ,J.

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