

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.535 of 2018

Mr.V.Govind

Petitioner

Vs

1.V.Nirmala

2.V.Shalini

Respondents

Prayer: Original Petition filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules praying that a grant of Succession Certificate may be granted to the petitioner with power to collect the securities and to receive the dividends on an negotiate and transfer the securities specified in the schedule.

For Petitioner : Mr.K.Shanmugam

ORDER

The above petition has been filed for grant of Succession Certificate to the petitioner for collecting the schedule mentioned securities which belonged to his father later V.Mohan Rao. The respondents 1 and 2 are the mother and sister of the petitioner respectively.

2. The petitioner would submit that his father had died on 06.01.2001 leaving behind him surviving the petitioner and the respondents herein. The petitioner has further contended that his father had died intestate and despite a diligent search no Will has been executed by his father has been discovered. The petitioner would submit that they are the only Class I legal heirs of the deceased Mohan Rao and entitled to the schedule securities. Therefore he had sought for grant of a Succession Certificate in his favour.

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3. The respondents have filed a consent affidavit stating that they have no objection to the Succession Certificate being granted in favour of

the petitioner. The petitioner has adduced evidence as P.W.1 and has marked the following documents in support of his contentions.

Sl.No		Description of Documents
1	Ex.P.1	The original death certificate of V.Mohan Rao, who died on 06.01.2001.
2	Ex.P.2	The original Legal Heirship certificate dated 25.01.2001 in respect of V.Mohan Rao.
3	Ex.P.3	The original statement of accounts of shares held in ITC Limited.
4	Ex.P.4	The original letter addressed to the petitioner by Karvy Computers Private Limited
5	Ex.P.5	The photocopy of the share certificate in the name of V.Mohan
6	Ex.P.6	The paper publication effected in one issue of Tamil daily "Makkal Kural" dated 12.01.2019.

4. The petitioner would therefore contend that in the light of the above evidence on the side of the petitioner and also taking note of the consent affidavits of the respondents, the Succession Certificate may be granted to the petitioner.

5. Heard the counsel and perused the records.

6. Ex.P.1, which is the original death certificate would show that V.Mohan Rao had died on 06.01.2001 and his only legal heirs are the petitioner and the respondents as is evidenced by Ex.P.2 and that he was the owner of the schedule securities which is evident from Ex.P.3 and Ex.P.4.

7. Considering the fact that the respondents have given their consent and also taking note of the fact that the petitioner and the respondents are the only legal heirs of the late V.Mohan Rao i.e., Class I legal heirs, the relief sought for by the petitioner is granted. The Original Petition is stands allowed. No costs.

20.07.2020

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
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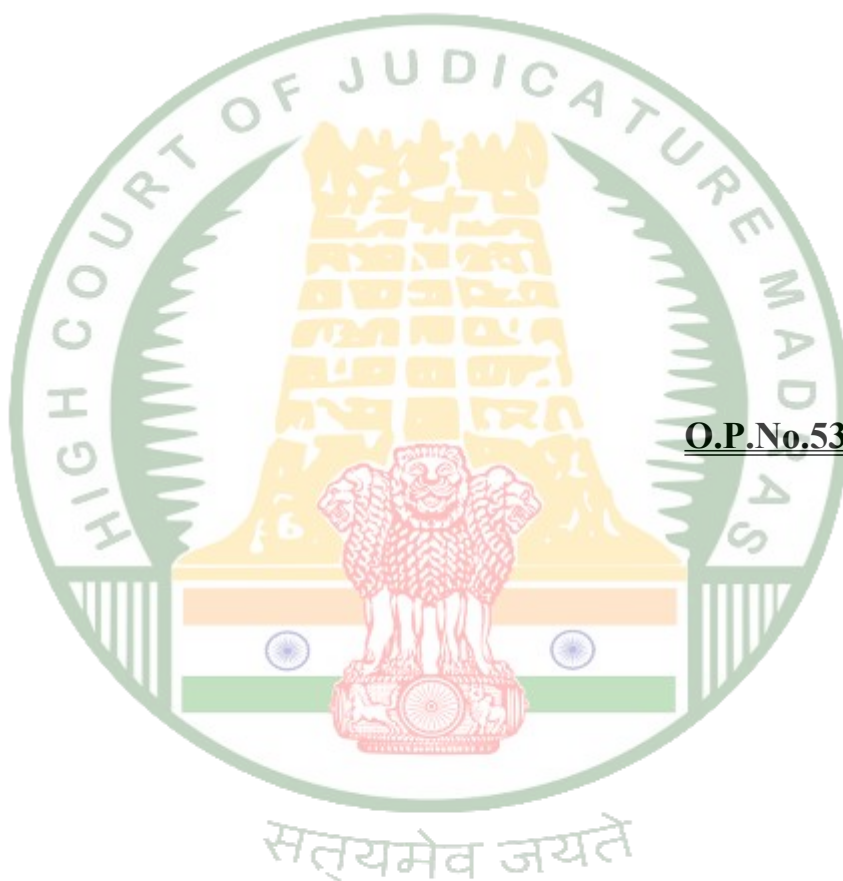
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