

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.798 of 2018

1.Sunil Khaitan

2.Sahsikala Bhotika

... Petitioners

Prayer: Original Petition filed under Section 372 of Indian Succession Act Read with Order XXV Rule 6 of Original Side Rules praying that a Succession Certificate may be granted to the petitioners with power to collect the debts and to receive the interest specified in the Schedule.

For petitioners : Mr.G.D.Vaishnav

ORDER

The above petition is filed for a grant of Succession Certificate to the petitioners in respect of the securities that have been detailed in the

schedule to the petition.

2. The petitioners would contend that the schedule mentioned securities belonged to their father late Mohanlal Khaitan, who had died intestate at Bangalore on 26.11.2010 leaving behind him surviving the petitioners and their mother. The mother of the petitioners also died intestate on 01.02.2016 at Bangalore leaving behind her surviving the petitioners herein. The petitioners would submit that, despite a diligent search they have not come across any Will executed by their late father. As a result the petitioners are entitled to a ½ share each in the suit securities.

3. The 1st petitioner has adduced evidence as P.W.1 and has marked the original death certificate of the said Mohanlal Khaitan as Ex.P.1, the death certificate of his wife Vimala Khaitan has been marked as Ex.P.2, the legal heirship certificate of the said Mohanlal Khaitan has been marked as Ex.P.3, the Savings Bank Passbook has been marked as Ex.P.4, the Aadhar Card of the 1st petitioner as Ex.P.5 and the paper publication has

been marked as Ex.P.6.

4. Considering the fact that the petitioners are the sole legal heirs of the deceased Mohanlal Khaitan as evidenced by Ex.P.3 and also taking into account the fact that he had died intestate it is the petitioners who alone are entitled to a share in the suit schedule securities. P.W.1 has adduced evidence and has marked necessary documents to prove their entitlement. Consequently, the Original Petition is ordered as prayed for. No costs.

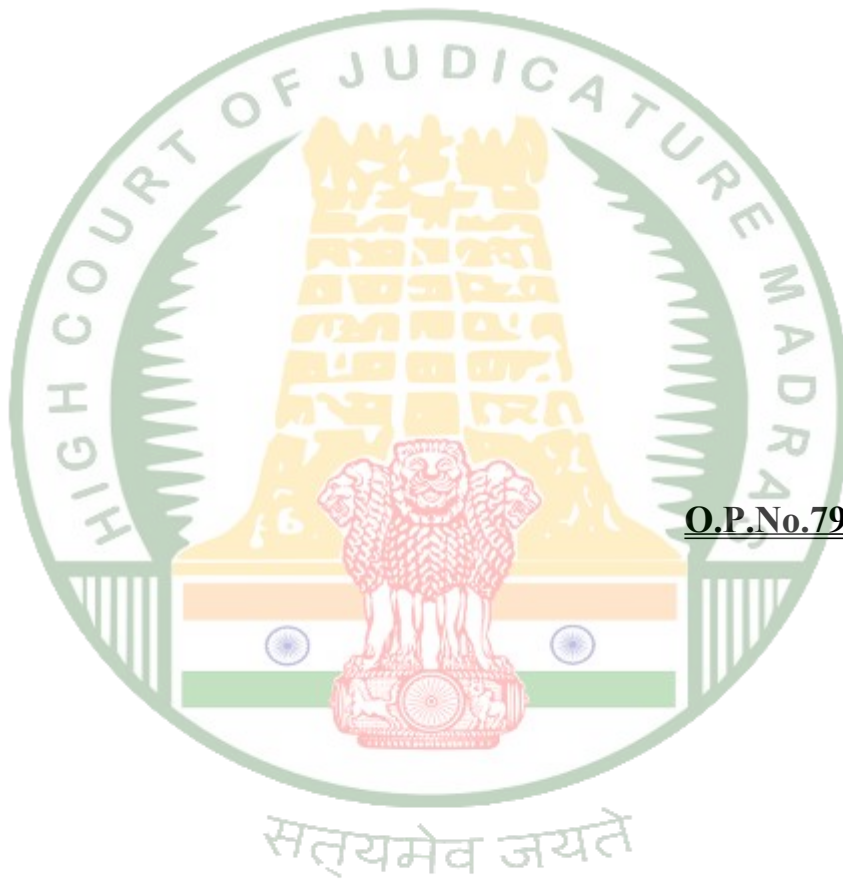
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