

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.663 of 2019

1.S.Viswanathan

2.S.Sarada

3.K.Anuradha

...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 first petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : M/s.D.Peruman Saranyan

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 first 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 first petitioner is the son, the second petitioner is the wife/widow and the third petitioner is the daughter of the deceased Mr.N.Subramanian in respect of whose estate the petition for Succession Certificate is filed. He further submits that the deceased Mr.N.Subramanian ordinarily resided at No.35-1/61-1, South West Boag Road, T. Nagar, Chennai - 600 017. He further submitted that evidence was adduced by examining the first petitioner as PW-1. He also submitted that six documents were exhibited by PW1 including the death certificate of the father of the first petitioner, the legal heirship certificate and the securities in respect of which the Succession Certificate is requested.

4. As regards the second and third petitioners, he submitted that the said petitioners have stated in the petition that they have no objection for the grant of Succession Certificate in favour of the first petitioner.

5. I considered the submissions of the learned counsel for the petitioners and also examined the evidence recorded in support of the petition. From the above, I find that the death certificate of the first petitioner's father has been marked as Ex.P1 and it shows that he died on 27.09.2013. The legal heirship certificate dated 19.05.2014 has been

marked as Ex.P2 and it reflects the names of the three petitioners as the Class-1 legal heirs of the late Mr.N.Subramanian. I also find that it is stated in the petition that the second and third petitioners have no objection for the grant of Succession Certificate to the first petitioner.

6. In addition, it is stated in the petition that no application was made to any District Court or Delegate or to any High Court for probate of any Will of the said deceased or for letters of administration with or without a Will annexed and that no earlier application was filed for the grant of Succession Certificate.

7. Based on the aforesaid, it is clear that the petitioners are entitled to succeed to the estate of the deceased. Accordingly, this petition is allowed by directing that a Succession Certificate be granted to the first petitioner in respect of the securities listed in the Schedule to the petition, with the power to collect the said securities, receive dividends thereon and negotiate and transfer the same.

20.01.2020

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

SENTHILKUMAR RAMAMOORTHY, J.

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