

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.861 of 2019

1. J.Rajeswari

2.S.Saradha

3.J.Sivaguru

... 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 1st petitioner with power to collect the securities and to receive the interest, dividends and negotiate thereon and transfer the Securities.

For petitioners : Mr.C.Jagadish

ORDER

The above petition is filed for a grant of Succession Certificate in favour of the 1st petitioner to collect the schedule mentioned securities, to receive the interest and dividends thereon and negotiate for its transfer.

2. The petitioners would submit that the schedule mentioned securities belonged to one G.Jayaraman, the father of the petitioners herein. The said G.Jayaraman was ordinarily residing within the Jurisdiction of this Court and died intestate on 28.12.2013. The mother of the petitioners', Bhuvaneswari had pre-deceased her husband on 28.09.2003.

3. The petitioners would submit that despite their due and diligent search, they have been unable to lay their hands on any Will. Since the said G.Jayaraman died intestate, the petitioners as his Class I legal heirs are entitled to the schedule securities equally. The petitioners would submit that therefore they have filed the above petition for the relief stated therein.

4. The 1st petitioner, Rajeswari has adduced evidence as P.W.1 reiterating the contentions made in the petition. She has marked the photo copies of the share certificates (Schedule securities) after the same has

been compared and verified with the originals, e-mails received from the City Union Bank dated 01.07.2019 informing them about the bonus share certificate standing in the name of the deceased G.Jayaraman has been marked as Ex.P.2 and Ex.P.3. The share certificates standing jointly in the name of their parents have been marked as Ex.P.4 to Ex.P.8 after comparing and verifying the same with the originals. The death certificate of their mother has been marked as Ex.P.9 and that of their father G.Jayaraman as Ex.P.10. Ex.P.11 is the photo copy of the Legal Heirship certificate of G.Jayaraman. The paper publication effected in one issue of Tamil Daily “Malai Sudar” dated 18.12.2019 has been marked as Ex.P.12.

5. On a perusal of the petition and the evidence both documentary and oral it is evident that the petitioners are entitled to the suit schedule securities standing in the name of G.Jayaraman and his wife Bhuvaneshwari. The petitioners 2 and 3 by filing the joint petition has consented to the Succession Certificate being granted in favour of the 1st petitioner.

6. On a conspectus of the above the Original Petition is allowed as prayed for and the Succession Certificate in respect of the suit schedule security is granted in favour of the 1st petitioner. No costs.

13.07.2020

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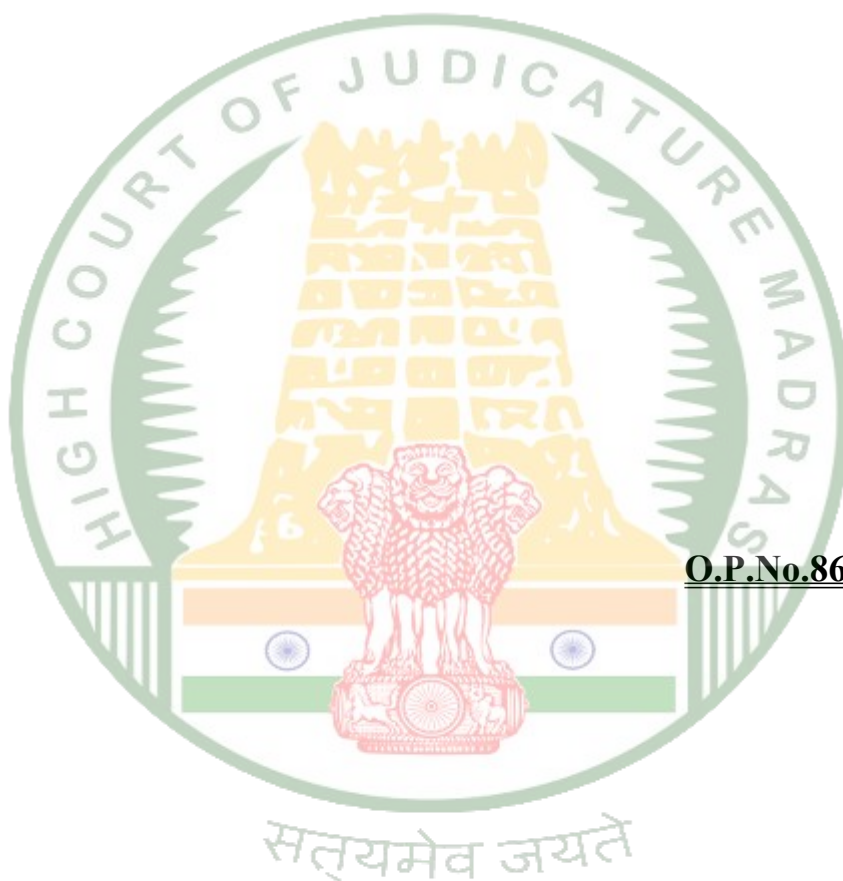


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