

O.P.No.776 of 2019

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 372 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of the Original Side Rules for grant of 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. The learned counsel submitted that the petition is filed in respect of the estate of G.Lakshminarayanan who is the husband of the first petitioner. The second and third petitioners are his sons. The deceased died inter state on 01.03.2019 and ordinarily resided at No.18/26, South K.R.Koil Street, West Mambalam, Chennai-600 033 which is within the jurisdiction of this Court.

3. The learned counsel submitted that the second and third petitioners have provided consent affidavits stating that they have no objection to the grant of succession certificate to the first petitioner. Evidence was adduced by examining the first petitioner as P.W.1. During the course of the examination in chief of P.W.1, the following five documents were exhibited as P1 to P5:

(1) Ex.P1 is the computer generated death certificate of G.Lakshminarayanan, who died on 01.03.2019.

(2) Ex.P2 is the original statement of holding dated 18.07.2019 in

respect of the shares held by G.Lakshminarayanan, issued by Karvy Stock Broking Limited.

(3) Ex.P3 is a copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 23.11.2019.

(4) Ex.P4 is the consent affidavit given by the 2nd petitioner.

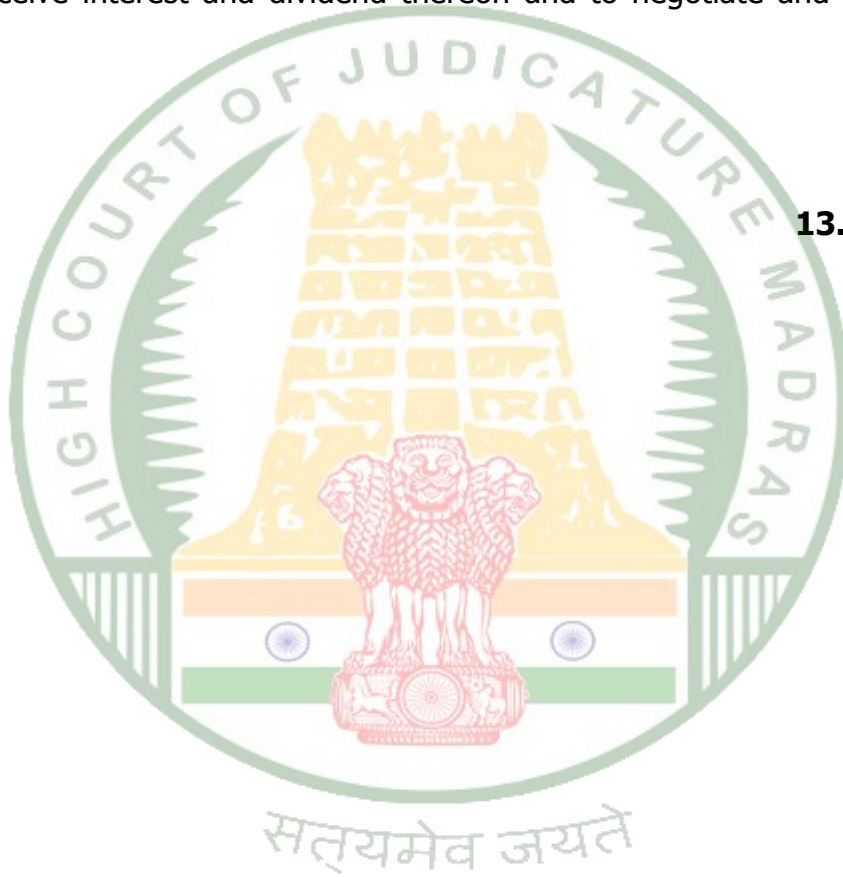
(5) Ex.P5 is the consent affidavit given by the 3rd petitioner.

4. Based on the foregoing, the learned counsel submitted that the first petitioner is entitled to the grant of a succession certificate. I considered the submissions of the learned counsel and examined the evidence recorded in this case. The death certificate of the late G.Lakshminarayanan has been marked as Ex.P1 and this document reflects that he died on 01.03.2019. The consent affidavits of both the second and third petitioners have been marked as Exs.P4 and P5. Paper publication was also effected in one issue of the Tamil daily, "Maalai Sudar" dated 23.11.2019, which was marked as Ex.P3. It is stated in paragraph 6 of the petition that the first petitioner's husband died interstate leaving behind him, the three petitioners as the only class 1 legal heirs. It is also stated in the petition that no previous application was made to a District Court or any delegate or to any High Court for the probate of any Will of the said deceased or for letters of administration with or without the Will annexed and that no earlier application was filed for a succession certificate in respect of the deceased. Therefore, I find that there is no impediment for the grant of a

Succession certificate to the first petitioner.

5. Accordingly, this petition is allowed and it is directed that a succession certificate be granted to the first petitioner in respect of the assets specified in the schedule of the petition with the power to collect the securities and to receive interest and dividend thereon and to negotiate and transfer the same.

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