

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.709 of 2019

1. G.S.Ravichandran
 2. S.Prem Chandar
 3. V.Shanthi
 4. Gettala Sundaramurthy Balachandar
 5. G.S.Vijaychandar
 6. G.S.Sureshchandar
- ...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 petitioners with power to collect the securities and to receive the interest, dividends thereon and negotiate and transfer the securities specified in the schedule.

For Petitioners : Mr.N.Muthukumaran

ORDER

This petition is filed for the grant of a Succession Certificate to the petitioners in respect of the assets specified in the Schedule to the petition.

2. I heard the learned counsel for the petitioners.

3. The learned counsel for the petitioners submitted as follows:

The petitioners are the sons and daughters of the late G.L.Sundaramurthy, who died on 30.11.2017 at the Southern Railway Hospital, Chennai. He ordinarily resided at No.78/101, Patel Road, Perambur, Chennai-11 which is within the jurisdiction of this Court. In support of the petition, evidence was adduced by examining the 4th petitioner as P.W.1. During the examination in chief of P.W.1, the following five documents were exhibited as Exs.P1 to P5:

Ex.P1 - The Computer generated death certificate of G.L.Sundaramurthy, who died on 30.11.2017.

Ex.P2 - The photocopy of the Legal Heirship certificate dated 12.02.2018 in respect of G.L.Sundaramoorthy (marked after comparing and verifying with the original).

Ex.P3 - The original letter dated nil by Sbicap Securities Limited, T.Nagar, Chennai to the first petitioner.

Ex.P4 - The computer generated statement of holding as on 06.07.2019 in respect of the Securities held by G.L.Sundaramoorthy.

Ex.P5 - A copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 11.10.2019.

4. Based on the foregoing, the learned counsel submitted that the

petitioners are entitled to the succession certificate.

5. I considered the submissions of the learned counsel and examined the evidence recorded in this case. On examining the evidence recorded in the case, I find that the following is evident:

(i) The death certificate of the petitioners' father, the late G.L.Sundaramurthy has been marked as Ex.P1 and this document shows that he died on 30.11.2017.

(ii). The legal heirship certificate in respect of Mr.G.L.Sundaramurthy has been marked as Ex.P2 and this document reflects the names of all the petitioners herein as the class-I legal heirs of the deceased. The said documents also reflects that the wife of Mr.G.L.Sundara murthy, S.Sulochana, pre-deceased him and died on 24.03.2013.

(iii) Paper publication was duly effected in one issue of the Tamil daily "Makkal Kural" on 11.10.2019 and the said paper publication has been marked as Ex.P5."

5. It is also stated in the petition that no application was filed

earlier to any District Court or Delegate or to any High Court for Probate of any Will of the deceased or for letters of administration with or without Will annexed and that no earlier application was filed for a succession certificate in respect of the estate of the deceased. Consequently, there is no impediment to the grant of a succession certificate to the petitioners.

6. Accordingly, this petition is allowed and it is directed that the Succession Certificate be granted to the petitioners in respect of the assets specified in the Schedule to the petition, with power to collect the said securities and receive interest and dividends thereon and also to negotiate and transfer the said securities.

04.02.2020

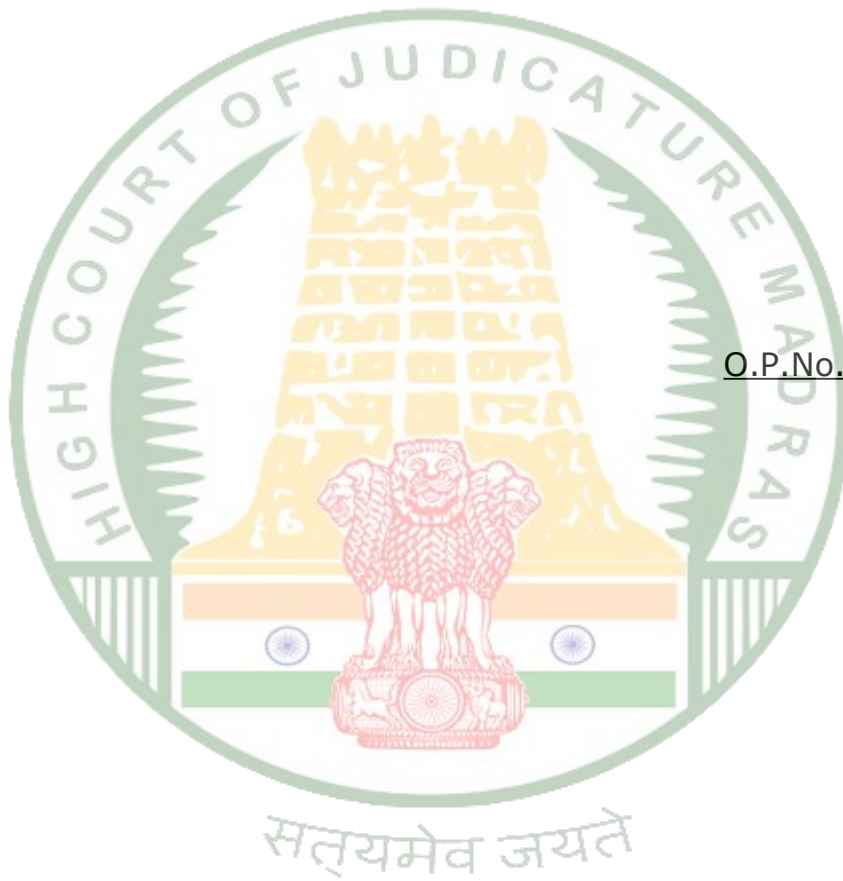
Speaking (or) Non Speaking Order
Index : Yes/ No
Internet : Yes

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SENTHILKUMAR RAMAMOORTHY, J.

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