

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2020

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.912 of 2019

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1. Mrs.P.Hemalatha
2. Mr.P.V.Vignesh Kumar
3. Ms.P.V.Varalakshmi
4. Ms.P.Varalaxmi
- 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 2nd petitioner with power to collect the debts and securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

For petitioners : M/s. C.Uma Shankar

ORDER

The Wife, Children and Mother of one P.Subramaniam have filed the above petition seeking grant of succession certificate in favour of the 2nd petitioner in respect of the schedule mentioned securities.

2. The petitioners would submit that the said P.Subramaniam died on 24.08.2017 leaving behind him surviving the petitioners herein. The petitioners would submit that despite their best efforts they have not been able to trace out any will of the said P.Subramaniam. At the time of his death, P.Subramaniam was in possession of various securities detailed in the schedule to the above petition. The petitioners being the class-I legal representatives are entitled to the above amounts equally. The petitioners would submit that when they had requested the Bank to transfer the securities in favour of the 2nd petitioner, the Bank directed the petitioners to obtain succession certificate for the same and hence the petition.

3. The 2nd petitioner had examined himself as P.W.1 and apart from marking the death certificate and legal heirs certificate as Ex.P.1 and Ex.P.2 respectively, also marked all the share certificates in respect of the securities detailed in the schedule as Ex.P.3 to Ex.P.100. The evidence of P.W.1 would indicate that Ex.P.1 to Ex.P.35 and Ex.P.38 to Ex.P.100 have been marked after comparing the same with the originals. The records would also indicate that paper publication has been effected in one Tamil daily "Makkal Kural" dated 31.01.2020 which is marked as Ex.P.101.

4. Considering the fact that the Class-I legal representatives have jointly filed the petition seeking the grant of succession certificate and that the grant may be made to the 2nd petition, this Court is allowing the above petition as prayed for. No costs.

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