

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 08.07.2020****CORAM****THE HONOURABLE Ms. JUSTICE P.T. ASHA****OP.No. 914 of 2019**

1.N.Sundara Bala

2.N.Aravind

... petitioners

Prayer :- Petition filed under Section 372 of the Indian Succession Act, 1952 r/w Order XXV Rule 6 of O.S. Rules, to grant succession certificate to the 1st petitioner.

For Petitioner : Balaji P.B.

ORDER

The above petitioner is filed seeking grant of Succession certificate to the first petitioner to collect the securities and to receive the interests and dividends thereon which have been detailed in the Schedule to the Petition.

2. The security detailed in the schedule to the petition

belong to one R. Nagarajan, the father of the petitioners herein. The deceased Nagarajan was residing at Kilpauk, Chennai within the jurisdiction of this Court where he died on 15.11.2005 leaving behind him surviving the petitioners as the sole survivors and legal heirs.

3. Despite due diligence, the petitioners have not discovered any Will executed by the deceased R. Nagarajan and considering that they are entitled to each half share in his share, the present petition has been filed seeking to grant succession certificate in favour of the first petitioner.

4. The first petitioner who is the daughter of the deceased has adduced evidence as PW1 and she has marked the death certificate of her father as Ex.P1 and legal heir certificate as EX.P2, death certificate of their mother as Ex.P3, consent affidavit given by the second respondent stating that he has no objection to the grant of succession certificate in favour of the first petitioner as EX.P4 and the paper publication in one issue of the Tamil daily "Malai Sudar" dated 18.01.2010 as Ex.P5.

5. Taking into consideration the averments made in the petition and the evidence both oral and documentary, it is evident that the petitioners are the only surviving legal heirs of the deceased Nagarajan and that they are entitled to the securities standing in the name of the said Nagarajan. The second petitioner has also given his consent for the grant of succession certificate in favour of the first petitioner.

6. In fine the petition for grant of succession certificate to the first petitioner is ordered as prayed for.

08.07.2020

Internet : Yes/No
Index : Yes/No
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P.T. ASHA. J,

mrn

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