

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.894 of 2019

1.Thangaraj
2.V.Indira
3.R. Prema
4.Poovathy

... Petitioners

Prayer: Original Petition filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Act to grant Succession Certificate to 1st petitioners with power to collect the Securities and to receive the interests and dividends thereon and negotiate and transfer the securities specified in the schedule.

For petitioners : Mr.R. Chandramohan

ORDER

This petition is filed for the grant of Succession Certificate to the petitioners with power to collect the securities, to receive the interests and dividends thereon and negotiate and transfer of securities which has been detailed in the schedule to the petition.

2.The schedule mentioned securities belonged to one A.T. Azaguvel Nadar and his wife A.Chandrammal. The said A.T. Azaguvel Nadar died on 07.07.2002 and Chandrammal died on 31.10.2011. The petitioners are the children of the said A.T. Azaguvel Nadar and Chandrammal. The parents of the petitioners had died intestate and despite a diligent search of the petitioners, they have not come across the Will executed by the said A.T. Azaguvel Nadar and his wife A.Chandrammal. The petitioners are the surviving Class I legal heirs of the deceased and they are entitled to equal shares in the suit schedule securities.

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3.Considering their entitlement, they have come forward with the above petition for granting the Succession Certificate in the name of the 1st petitioner to collect the securities to receive the dividends thereon and negotiate and transfer the said securities.

4.The 1st petitioner Thangaraj who is the son of late.A.T. Azaguvel Nadar andA.Chandrammal, has adduced evidence as PW1. The following documents have been marked by the 1st petitioner.

- Ex.P.1 - Death Certificate of Azaguvel Nadar who died on 07.07.2002
- Ex.P.2 - Death Certificate of A.Chandra Ammal who died on 31.10.2011
- Ex.P.3 - Legal Heirship Certificate dated 19.06.2014 in respect of Chandra Ammal
- Exs.P.4,6&8- Share Certificates issued by City Union Bank Limited standing in the name of A. Chandra Ammal
- Exs.P.5,7&9- Share Certificates issued by City Union Bank Limited standing in the name of Alaguvel Nadar
- Ex.P.10 - Photocopies of the affidavits of renunciation /No objection letters both dated 15.02.2019
- Ex.P.11 - Photocopies of affidavits both dated 15.02.2019

- Ex.P.12 - Photocopy of the Aadhaar Card of the 1st petitioner
- Ex.P.13 - Photocopies of the Indemnity Bond for Transmission of Shares both dated 15.02.2019
- Ex.P.14 - Photocopies of the Aadhaar Cards of the 3rd and 4th petitioners
- Ex.P.15 - Photocopy of the Pan Card of the 1st petitioner
- Ex.P.16 - Photocopy of the Passport of the 1st petitioner
- Ex.P.17 - Paper publication effected in one issue of Tamil Daily “Maalai Sudar” dated 29.01.2020.

(Ex.P.3, 13, 15 and 16 are marked after comparing and verifying with the originals)

5.Considering the evidence adduced on the side of the petitioners and also taking into consideration the fact that the petitioners 2 to 4 have also jointly filed the petition contending that they have no objections to the grant of Succession Certificate in favour of the 1st petitioner, this Court is inclined to allow the petition as prayed for.

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In fine, this Original Petition is allowed as prayed for and the 1st

petitioner is granted Succession Certificate with power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities specified in th schedule.

10.07.2020

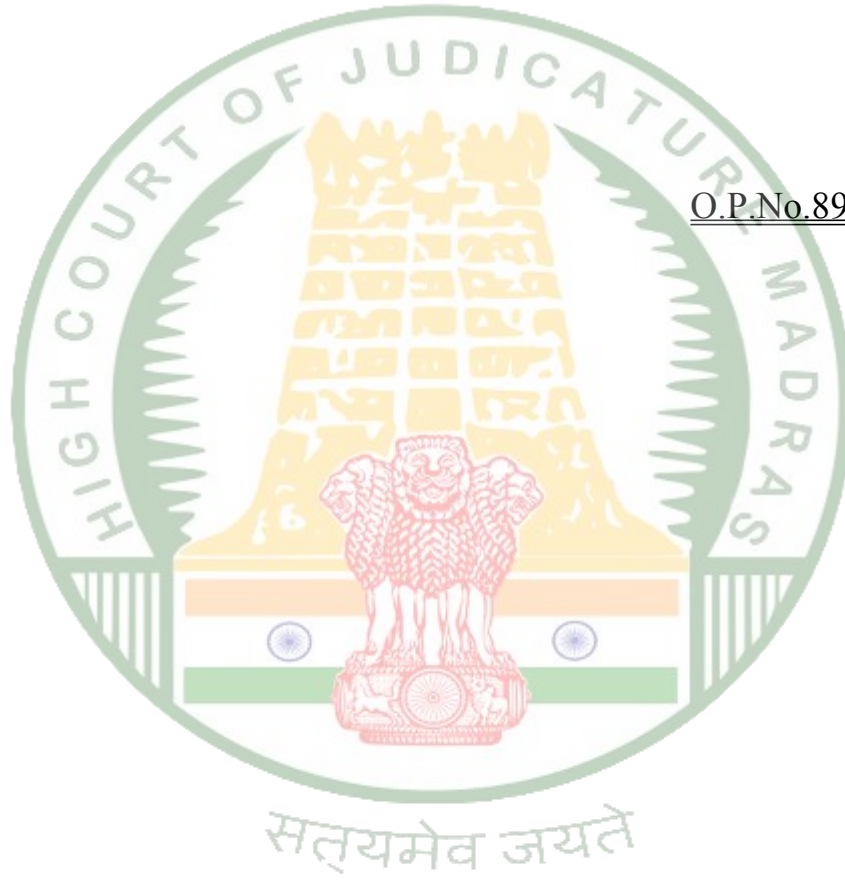
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P.T. ASHA. J.

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