

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.988 of 2019

Alamelu

... Petitioner

Prayer: Original Petition filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules praying that a succession certificate may be granted to the Petitioner with powers to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the schedule hereunder.

For Petitioner : Mr.M.S.Ramesh

ORDER

The above petition is filed for the grant of Succession certificate in favour of the petitioner in respect of the schedule mentioned securities.

2. The petitioner would contend that the schedule mentioned securities belonged to R.Lakshmi Ammal, the mother of the petitioner herein. The petitioner's father S.R.G.Raenganathan Chettier had predeceased her mother. The deceased R.Lakshmi Ammal was residing at Kumbakonam, where she died on 05.08.2011 leaving behind her only daughter, the petitioner as a legal heir to succeed to the properties mentioned in the schedule to the petition.

3. Considering the fact that the schedule mentioned properties are within the Jurisdiction of this Court, the petition for succession certificate has been filed before this Court. The petitioner would submit that despite her best efforts she has not come across any Will executed by her late mother. She would therefore contend that she be granted the Succession Certificate as prayed for. The petitioner has examined herself as P.W.1 and apart from reiterating the contentions that she had put forward in the petition she has marked Ex.P.1 to Ex.P.6 which are detailed herein below.

Sl.No		Description of Documents
1	Ex.P.1	The original death certificate of R.Lakshmi Ammal, who died on 05.08.2011.
2	Ex.P.2	The certified copy of the legal heirship certificate dated 04.10.2011 in respect of the deceased R.Lakshmi Ammal.
3	Ex.P.3	The photocopy of the passport of the petitioner bearing Passport No.J3723907.
4	Ex.P.4	The photocopy of the share certificate bearing certificate No.12736 standing in the name of R.Lakshmi Ammal, issued by City Union Bank Limited.
5	Ex.P.5	The e-mail communication dated 12.03.2020, sent by Karvy Fintech Private Limited.
6	Ex.P.6	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.01.2020.

4. The learned counsel for the petitioner would submit that the petitioner is the sole surviving legal heir of the deceased R.Lakshmi Ammal as evidenced by Ex.P.2 legal heir certificate. The petitioner's counsel would also draw the attention of this Court to Ex.P.5 under which the Company has called upon the petitioner to obtain a Succession Certificate for transfer of the securities in the name of the petitioner. In these circumstances, the learned counsel would pray that this Court be pleased to order the petition as prayed for.

5. Heard the learned counsel and perused the records.

6. Considering the fact that the schedule mentioned securities belonged to late Lakshmi Ammal as evidenced by Ex.P.4 and considering the fact that the petitioner is the only legal heir of the deceased Lakshmi Ammal which is evidenced in Ex.P.2, the petitioner is entitle to the schedule securities as the legal heir of late Lakshmi Ammal.

6. In these circumstances the Original Petition is ordered as prayed for. No costs.

17.07.2020

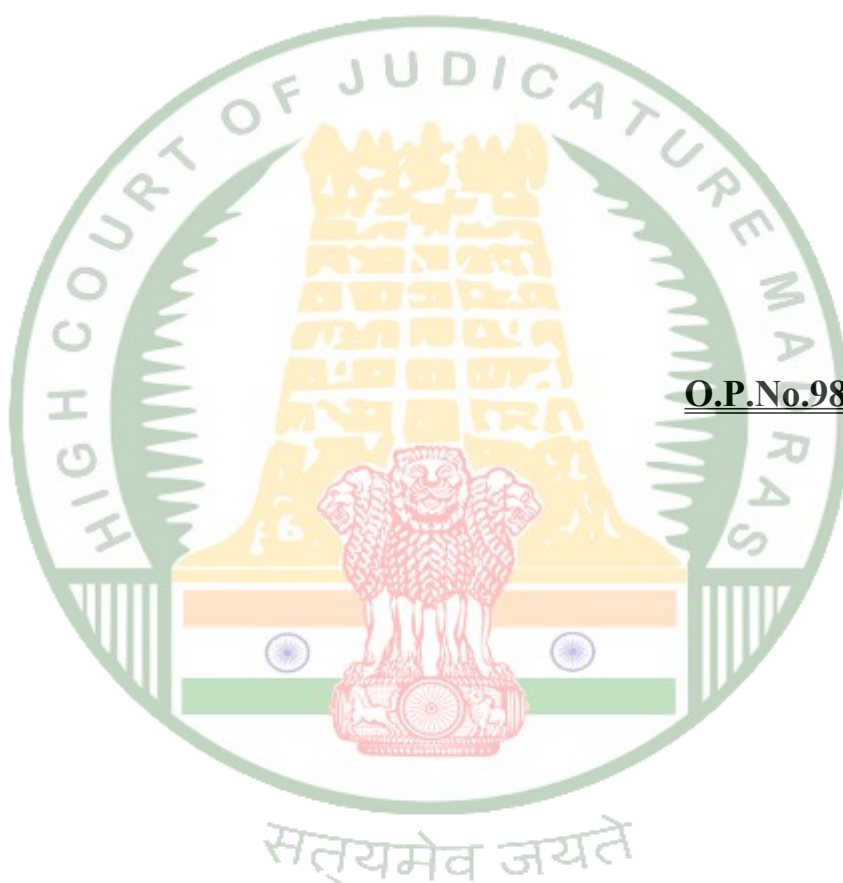
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