

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 05TH DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.857 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of
Securities of
M.R.Shivakumar
(Deceased)Intestate

S.SEETHALAKSHMI
W/o.Late M.R.Shivakumar
No.11/6, Appar Samy Koil Street,
Mylapore, Chennai-600004.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession certificate may be granted to the petitioner herein with powers to collect, the securities and to receive interest, dividends thereon and negotitae and transfer the securities specified in the Schedule in the petition.

Original Petition coming on this day before this court for hearing the

This petition has been filed for grant a Succession Certificate to the petitioner in respect of the securities specified in the schedule to the petition.

2. I heard the learned counsel for the petitioner. The learned counsel for the petitioner submitted that the petitioner is the wife of Mr.M.R.Sivakumar, in respect of whose estate, the Succession Certificate is requested. The learned counsel submitted that Mr.Sivakumar ordinarily resided with the petitioner at No.11/6, Appar Samy Koil Street, Mylapore, Chennai-600 004 and that he died intestate leaving behind his wife, the petitioner as the sole legal heir. In spite of due and diligent search for a Will, no Will was found. In support of the petition, the petitioner examined herself as PW1 and the following documents were exhibited through PW1 Viz.,

Ex.P.1 is the computer generated death certificate of deceased Mr.M.R.Sivakumar, who died on 03.12.2018.

Ex.P.2 is the computer generated Legal Heirship certificate dated 23.07.2019 in respect of deceased Mr.M.R.Sivakumar.

Ex.P.3 is the certified copy of the statement of holdings as on 26.08.2019 given by Geojit Financial Services Limited in respect of shares and securities held by the deceased Mr.M.R.Sivakumar showing the balance

Ex.P.4 is a copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 11.12.2019.

In view of the above, the learned counsel for the petitioner submitted that the Succession Certificate may be granted to the petitioner.

3. I considered the submissions of the learned counsel for the petitioner and examined the evidence placed on record in this case. I find that the Death Certificate of Mr.M.R.Sivakumar has been marked as Ex.P1 and this document discloses that he died on 03.12.2018. The Legal Heirship Certificate dated 23.07.2019 has been filed as Ex.P2 and this document reflects the name of the petitioner as the only Class I Legal heir of the deceased Mr.M.R.Sivakumar, Paper Publication was effected in one issue of the Tamil daily “Makkal Kural” dated 11.12.2019 and the same has been marked as Ex.P4. It is stated in the petition that no previous application was made 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 the Will annexed to his properties and credits. Therefore, I find that there is no impediment to the grant of a Succession Certificate to the petitioner.

4. Considering the averments made in the petition and the evidence on record, I am satisfied that the petitioner is entitled to succeed to the estate of the deceased Mr.M.R.Sivakumar. Therefore, the petition is

the petitioner in respect of the securities specified in the schedule with powers to collect the Securities, receive interest and dividends thereon and negotiate and transfer the securities.

Sd/.S.K.R.J.

05.02.2020

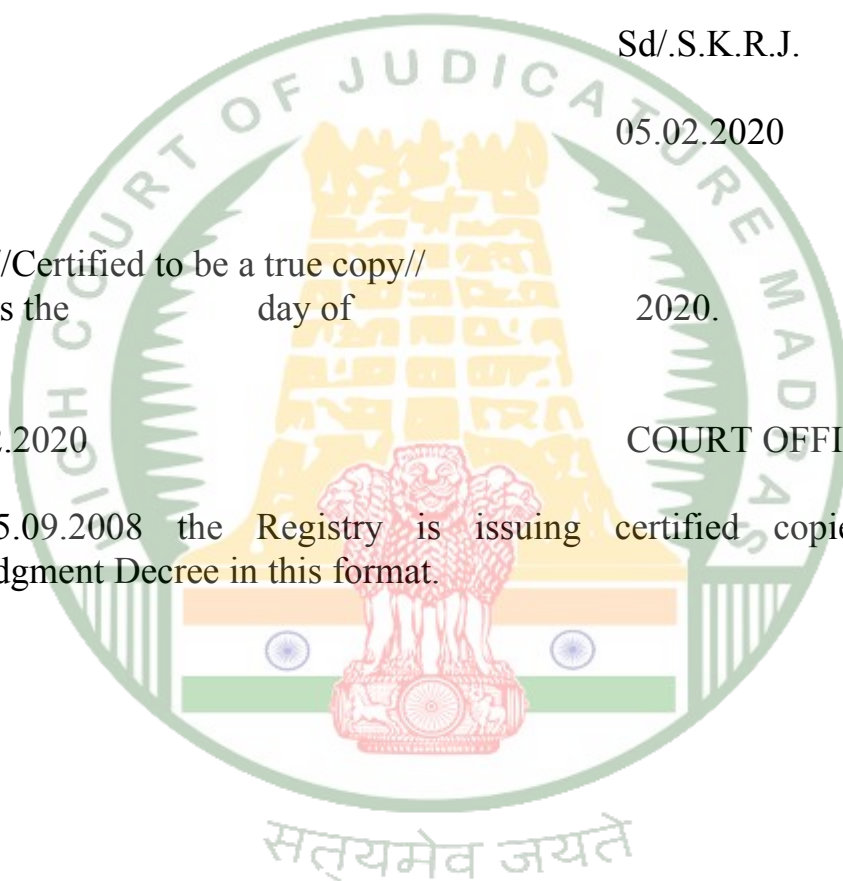
//Certified to be a true copy//

Dated this the day of 2020.

SU/28.02.2020

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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