

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.789 of 2017

D. Venkatasekhar ... Petitioner

-Vs.-

D. Lalitha ... Respondents

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

For petitioner : Mr.S. Saranraj

ORDER

The above petition is filed for grant of Succession Certificate to the petitioner with powers to collect Securities and to receive the interest, dividends, negotiate and transfer which has been detailed in the schedule to the petition.

The facts in brief are as follows:

2.The schedule mention Securities belonged to one R. Dorai. The petitioner is the only son and the respondent is his wife. The said R. Dorai died on 17.10.2010 within the jurisdiction of this Court where he was ordinarily residing. The petitioner would submit that despite his due and diligent search, no Will was found. Therefore, the deceased Dorai had died intestate and the petitioner and the respondent are his only surviving Class I legal heir who are entitled to the schedule mentioned Securities. When he attempted to transfer their shares in their favour he was directed to produce Succession Certificate. Hence this petition.

3.It appears that pending the proceedings, the respondent had died on 22.05.2018 leaving behind her surviving the petitioner as her sole heir. The Death Certificate has also been produced. The petitioner has deposed evidence as PW1 and marked Ex.P.1 which is the copy of the Death Certificate of R. Dorai, Ex.P.2 is the Legal Heirship Certificate which would clearly show that it is only the petitioner and the respondent who

are the legal representatives of Late R. Dorai. The xerox copy of the Share Certificate has been marked as Ex.P.3. Likewise, the Aadhaar Card has been marked as Ex.P.4 and the paper publication effected in one issue of Tamil Daily “Thina Boomi” has been marked as Ex.P.5. Both the oral and documentary evidence would clearly show that the deceased Dorai had left behind him surviving the petitioner and the respondent as his legal heirs. Thereafter, the respondent also passed away and it is only the petitioner who is the surviving legal representative. Therefore, the petitioner is entitled to the schedule securities.

This petition is therefore allowed as prayed for.

07.07.2020

Internet : Yes/No

Index : Yes/No

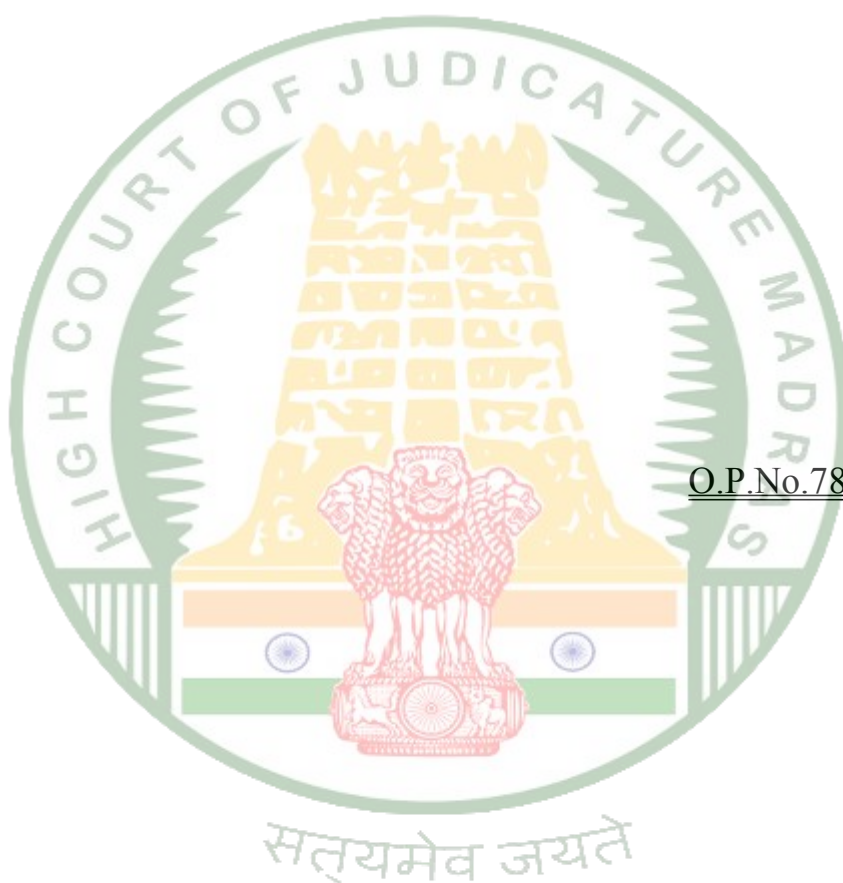
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