

O.P.No.933 of 2018

SENTHILKUMAR RAMAMOORTHY J.

This Petition is filed under Section 372 of the Indian Succession Act, 1925 r/w Order XXV Rule 6 of the Original Side Rules for grant of a succession certificate in respect of the securities listed in the schedule to the petition.

2. I heard the learned counsel for the Petitioner. The learned counsel submitted that the Petitioner is the wife of late Mr.Rajesh Rastogi who died intestate on 19.09.2014. He further submitted that the said deceased ordinarily resided at Flat No.19, 4th Floor, Kapil Apartments, No.22, Dr. Alagappa Road, Purasaiwakkam, Chennai - 600 084, which is within the jurisdiction of this Court. He further submitted that the Respondents are the sons of the Petitioner and the deceased Rajesh Rastogi. He also pointed out that the evidence was recorded by examining the Petitioner as P.W.1 and the following 7 documents were exhibited as Exs.P1 to P7 through P.W.1.

(1) Ex.P1 is the computer generated copy of the death certificate of Rajesh Rastogi, who died on 19.09.2014.

(2) Ex.P2 is the Photocopy of the Legal Heir ship certificate

dated 25.11.2014 in respect of Rajesh Rastogi.

(3) Ex.P3 is the consent affidavit given by the first Respondent.

(4) Ex.P4 is the consent affidavit given by the second Respondent.

(5) Ex.P5 is a copy of paper publication effected in one issue of Tamil Daily "Malai Sudar" dated 05.04.2019.

(6) Ex.P6 is the downloaded copy of the demat account statement bearing client ID.No.10071837 in respect of Mr.Rajesh Rastogi.

(7) Ex.P7 is the e-mail communication dated 09.05.2018 from NSDL.

Therefore, he submits that the Petitioner is entitled to succeed to the estate of the late Rajesh Rastogi.

3. I considered the submission of the learned counsel for the Petitioner and examined the evidence recorded in this case. From the above, it is clear that the late Rajesh Rastogi died on 19.09.2014 as evidenced by Ex.P1. The legal heirship certificate dated 25.11.2014 shows the Petitioner and the two respondents as the Class I legal heirs of the deceased. Both the Respondents have given consent affidavits,

which are marked as Exs.P3 and P4. Paper publication was also effected, which is marked as Ex.P5. It is also stated in the Petition that no earlier Petition was filed before the District Court or any delegate or to any High Court for probate of any Will of the said deceased or for the letters of administration with or without the Will annexed to his property and that no earlier application was filed for a succession certificate.

4. Based on the foregoing, I find that the Petitioner is entitled to succeed to the estate of the deceased. Accordingly, this Petition is allowed by granting succession certificate to the Petitioner with the power to collect the securities specified in the schedule to the Petition and to receive the interest and dividends thereon and negotiate and transfer the securities.

23.01.2020

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