

**O.P.No.230 of 2021****V.PARTHIBAN,J.**

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This Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2.It is the case of the petitioners that they are the legal heirs of deceased B.Utham Chand @ Utham. The second petitioner is the wife of the deceased and the petitioners 1 and 3 are the children of the deceased. The said B.Utham Chand @ Utham died on 26.05.2018 at 116, Dr.Lakshmanasamy Salai, K.K.Nagar, Kalaingar Karunanidhi Nagar, Chennai - 600 078. Other than the petitioners, there are no other relatives to succeed the estate as Class-I heir. Prior to and at the time of his death, the deceased had his fixed place of residence at the above said address. He left the schedule mentioned properties and died within the jurisdiction of this Court. The deceased was having a number of shares in one company. On account of the death, the petitioners being his successors, are jointly entitled for the number of shares holding by the deceased. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The succession certificate is required for the purpose of transmitting the above said shares in the name of 1st petitioner. The asset in



respect of which the succession certificate is required is of the value of Rs.26,99,114/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in the name of 1st petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

3.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P8. Ex.P1 is the computer generated death certificate of B.Utham Chand, who died on 26.05.2018. Ex.P2 is the computer generated Legal Heirship certificate dated 09.08.2018 in respect of B.Utham Chand. Ex.P3 is the photocopy of my Aadhaar card bearing NO.7967 9301 3743. Ex.P4 is the computer generated death certificate of B.Kousalya who died on 11.05.2020. Ex.P5 is the photocopy of the letter sent by the Axis Bank Limited to Mr.Utham. Ex.P6 is the consent affidavit given by the 2nd petitioner. Ex.P7 is the consent affidavit given by the 3rd petitioner. Ex.P8 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.07.2021.



4.Considering the averments made in the petition and the documents filed by the petitioners, this Court satisfied that the petitioners have succeeded the Estate of the deceased B.Utham Chand. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued. The petitioners are directed to render account once in a year.

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