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

THURSDAY, THE 12TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No. 122 of 2020

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of certain Securities in
Respect of Mr.Laxmichand, the
deceased Intestate

1. MR.PRAVEEN KUMAR,
M/A 60 years,
Son of Late Laxmichand,

2. MR.DHILIP KUMAR,
M/A 48 years,
Son of Late Laxmichand,

3. MRS.MADHULATHA,
F/A 78 years,
Wife of Late Laxmichand,
Petitioners 1 to 3 are residing
No.21/47, Bheemanna Garden Street,
Alwarpet,
Chennai-600 018

4. MR.SATHISH,
M/A 62 years,
Son of Late Laxmichand,
residing at No.32,
Ramasamy Naicken Street,
Chennai-600 018



5. MRS.MANJULA,
F/A 58 years,
Daughter of Late Laxmichand,
residing at No.173, MTH Road,
Thirunindravur,
Chennai-600 024

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted in favour of hte First Petitioner, with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities as specified in the schedule in the petition.

This Original Petition coming on this day before this court for hearing the court made the following order:

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. The case of the petitioners is that Mr.Laxmichand resided at No.21/47, Bheemanna Garden Street, Alwarpet, Chennai-18 and died on 08.04.2016. The first, second and fourth petitioners are the sons of the deceased Laxmichand, the third petitioner is the wife of the deceased and the fifth petitioner is the daughter of the deceased. The petitioners are the class – I legal heirs who are entitled to claim a share in the estate of the deceased. There is no next of kin other than the petitioners interested to be impleaded. The deceased left the property specified in the schedule, is within the jurisdiction of this Court.

3. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The shares of the deceased shall be transferred in the name of the first petitioner, for which, the other petitioners have no objection and given their consent. The succession certificate is required for the purpose of transfer of name pertaining to the shares held by the deceased in the name of the first petitioner. The said assets in respect of which the succession certificate is required, are of the value of Rs.2,76,455/-.

4. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased and no application for



probate of any will of the said deceased or for letters of administration with or without the Will annexed to their properties and credits, have 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 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.

5.The first petitioner examined himself as P.W.1 and marked Exs.P1 to P4. Ex.P1 is the computer generated death certificate of Laxmichand, who died on 08.04.2016. Ex.P2 is the original Legal Heirship certificate dated 07.08.2017 in respect of Laxmichand. Ex.P3 are the photocopies of the share certificates standing in the name of Laxmichand Jain. Ex.P4 is the copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 10.12.2020.

6.Considering the averments made in the petition and the documents filed by the petitioners, this Court is of the view that the petitioners have succeeded to the Estate of the deceased Laxmichand. 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 first petitioner is directed to render account once in a year.

Sd/.V.P.N.J.
12.08.2021

//Certified to be a true copy//
Dated this the day of 2021

SU-25.08.2021 COURT OFFICER(O.S.)

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