

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

WEDNESDAY, THE 31ST DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.330 of 2020

Petition for Succession Certificate in
respect for certain securities belonging
to the deceased S.R.Sethuraman under
Part X of the Indian Succession Act.

1. MRS.JEYA IYER
D/O.S.R.SETHURAMAN,
HAVING ADDRESS AT VIJAYASHREE
APARTMENTS, NEW NO.118,
OLD NO.72, KAMARAJ AVENUE,
IIND STREET, ADYAR, CHENNAI-600 020,
TAMIL NADU, INDIA

2.MR.SRIRANGAM SETHURAMAN SRIRAM
S/O.S.R.SETHURAMAN,
HAVING ADDRSS AT 46,
MAYWOOD IRVINE, CA 92602, USA

3. MR.SRIRANGAM SETHURAMAN MOHAN RAM
S/O.S.R.SETHURAMAN,
HAVING ADDRSS AT 11215
GEORGIA AVE APT
1204 WHEATON MD 20902, USA

4.MRS.VERONICA W.A.IYER
W/O.VENKATARAMAN IYER,
HAVING ADDRSSS AT 15 CALLENDER ROAD,
ROME, OH 440 85, USA.

5. SRIRANGAM RAJARAM
S/O.S.R.SETHURAMAN,
HAVING ADDRESS AT 6885,

FOREST PARK DR MISSISSAUGA,
ON, L5N 6X7, CANADA

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted in the name of the 1st petitioner with power to collect the securities and to receive the interest, dividends thereon and to negotiate and transfer the securities specified in the Schedule I 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 first petitioner.

2.Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner is the daughter and 2nd, 3rd and 5th petitioners are the sons of Late Mr.S.R.Sethuraman. The fourth petitioner is the sister-in-law of the first petitioner. The deceased ordinarily resided at No.118, 2nd street, Kamaraj Avenue, Adyar, Chennai - 20. The petitioners are the legal heirs of the deceased claims to be entitled to the estate of the deceased.

The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The first petitioner has given a special power of attorney to act on behalf of the petitioners 2 to 5, which have been adjudicated and registered by the Sub-Registrar, Adyar, Chennai. The petitioners 2 to 5 have given respective affidavits fully consenting for grant of succession certificate in the name of the 1st petitioner to deal with the equity shares. The deceased left the shares specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of transmission of equity shares. The said assets in respect of which the Succession Certificate is required for the value of Rs.20,62,072/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the first petitioner has approached this Court for grant of succession certificate in her name with power to collect the debts as specified in the schedule.

4.The first petitioner was examined as P.W.1 and marked thirteen documents viz., Exs.P1 to Ex.P.13.

5. P.W.1 in her evidence has stated that 2nd,3rd and 5th petitioner are her brothers and the 4th petitioner is her sister-in-law (wife of her deceased brother Venkat Raman Iyer). She has filed her proof affidavit stating the

facts of this case and the same may be treated as part and parcel of her examination-in-chief. In continuation of her proof affidavit, the following documents were marked as exhibits on her side.

6. Ex.P.1 is the original death certificate of her father S.R.Sethuraman, who died on 31.10.2003. Ex.P.2 is the original legal heirship certificate dated 21.01.2004 in respect of her father S.R.Sethuraman,. Ex.P.3 is the original death certificate of her brother Venkat Iyer, who died on 09.12.2015 (issued on 28.05.2019). Ex.P4 is the original Special Power of Attorney dated 11.07.2019 executed by the 3rd petitioner in her favour. Ex.P5 is the original Special Power of Attorney dated 08.08.2019 executed by the 4th petitioner in her favour. Ex.P6 and Ex.P7 are the original Special Power of Attorneys dated 20.09.2019 and 24.09.2019 executed by the 5th and 2nd petitioners in her favour. Ex.P8 is the original Statement of Valuation dated 13.12.2019 issued by Indusland Bank, Mumbai -93 in respect of shares held by her deceased father in Client ID No.10311826. Ex.P9 to Ex.P12 are the consent affidavits given by the 2nd to 5th petitioners. Ex.P13 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 28.11.2020.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the first petitioner has succeeded the Estate of the deceased Mr.S.R.Sethuraman. 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 securities and to receive the interest, dividends thereon and to negotiate and transfer the securities specified in the schedule.

Sd/.R.P.A.J.
31.03.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/20.04.2021

COURT OFFICER(O.S.)

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

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