

O.P.No.307 of 2021

V.PARTHIBAN.,J.

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 Mr.S.Manohar. The first, second and third petitioners are the wife, son and mother of the deceased. The said Manohar died on 06.10.2020 at MIOT Hospital, Manapakkam, Chennai. Other than the petitioners, there are no other relatives to succeed the estate as Class-I legal heir. Prior to and at the time of his death, the deceased had ordinarily resided at No.1, 2nd street, Vedachala Nagar, Kodambakkam, Chennai, Tamil Nadu – 600024. He left the movable properties specified in the schedule within the jurisdiction of this Court. The deceased was having securities with Banks and Companies etc., as mentioned in schedule VIII. On account of the death, the petitioners being his successors, are jointly entitled for the amount lying in the banks and companies. 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 producing the same before the banks and companies

for the withdrawal of the amounts stand in the name of the deceased. The securities in respect of which the succession certificate is required is of the value of Rs.59,32,940/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased had 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 their names with power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities interest specified in the schedule.

3.The first petitioner examined herself as P.W.1 and marked Exs.P1 to P9. Ex.P1 is the computer generated death certificate of S.Manohar, who died on 06.10.2020. Ex.P2 is the computer generated Legal Heirship certificate dated 23.11.2020 in respect of deceased S.Manohar. Ex.P3 is the computer generated death certificate of the father S.Sambasivam of the deceased, who died on 28.06.2017. Ex.P4 is the computer generated statement of holding as on 06.11.2020 given by Karur Vysya Bank Limited, Chennai – 86 in respect of shares and securities held by S.Manohar in Client ID No.10039214. Ex.P5 is the photocopy of the Aadhar Card of S.Manohar bearing No.553880006629. Ex.P6 is the photocopy of

the Aadhar card of the of the first petitioner bearing No.668236588551. Ex.P7 is the photocopy of the Aadhar card of the second petitioner bearing No.475732314732. Ex.P8 is the photocopy of the Aadhar card of the third petitioner bearing No.366037615115. Ex.P9 is a copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 20.07.2021.

4.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased S.Manohar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the securities and to receive the dividends thereon and negotiate and transfer the securities interest specified in the schedule, is issued. The petitioners are directed to render account once in a year.

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