

O.P.No.431 of 2021

V.PARTHIBAN.J.,

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 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 petitioner that the petitioner and the respondent are the class I legal heirs of deceased T.S.Ramamoorthy. The petitioner is the son and the respondent is the wife of the deceased. The said T.S.Ramamoorthy died on 06.05.1996. Other than the petitioner and respondent, there are no other relatives to succeed the estate as class I legal heirs. Prior to and at the time of his death, the deceased ordinarily resided at 5, 4th Main Road, Kamarajar Nagar, Thiruvannamiyur, Chennai – 600 041. He left the schedule mentioned properties and died within the jurisdiction of this Court. The deceased was having 345 shares value being Rs.57,87,705/- in Nestle India Limited. On account of the death, the petitioner and

respondent being his successors, are jointly entitled for the amount lying in Nestle India Limited. 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 receiving the amount lying as in respect of the aforesaid deposit. The assets in respect of which the succession certificate is required is of the value of approximately Rs.57,87,705/-. 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 petitioner and respondent have approached this Court for grant of succession certificate in their names 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 petitioner examined himself as P.W.1 and marked Exs.P1 to P7. Ex.P1 is the computer generated death certificate of my father T.S.Ramamoorthy, who died on 06.05.1996. Ex.P2 is the certified copy of the Legal Heirship Certificate dated 13.09.1996 in respect of my father

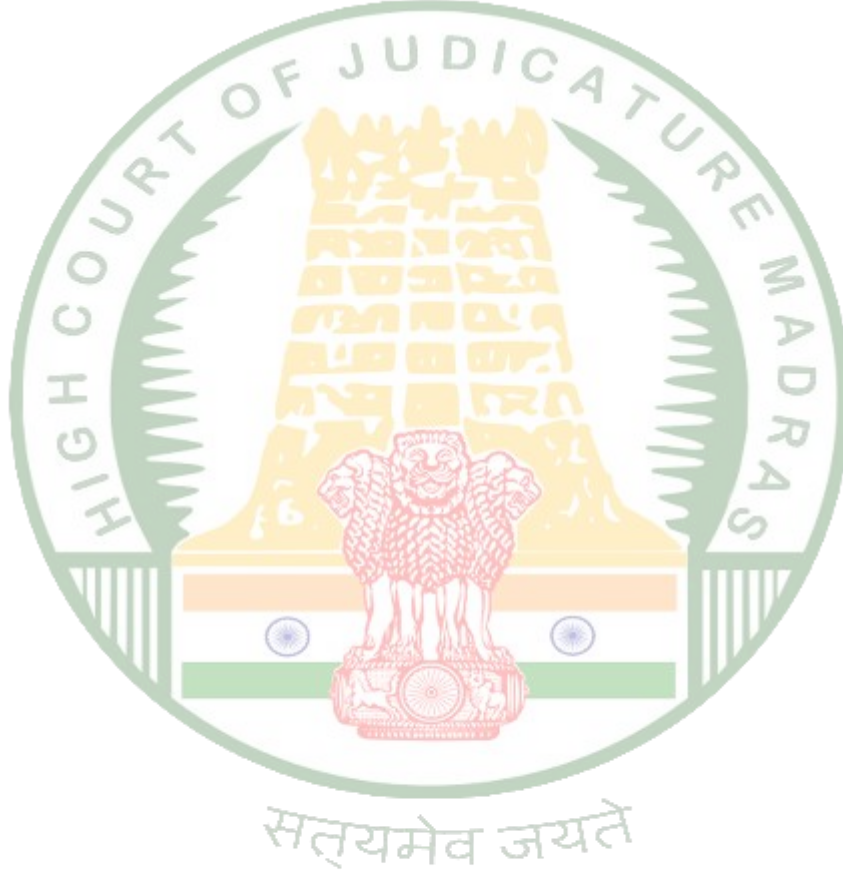
T.S.Ramamoorthy. Ex.P3 are the photocopies of the letters from Nestle India Limited in respect of transmission of shares of my father in client ID.No.R1198/1429/345 dated 23.02.2017. Ex.P4 are the photocopies of the share certificates in Nestle India Limited standing in the name of my father T.S.Ramamoorthy along with original confirmation from the said company dated 17.03.2020 stating the same. Ex.P5 are the photocopies of the cheque leafs of ICICI Bank Limited dated 09.05.2008, HDFC Bank dated 26.11.2008 and HDFC Bank dated 16.11.2009 issued to my father T.S.Ramamoorthy. Ex.P6 is the consent affidavit given by the respondent herein stating that she has no objection in grant of Succession Certificate as prayed in the petition. Ex.P7 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 16.07.2021.

4.Considering the averments made in the petition and the documents filed by the petitioner, this Court is satisfied that the petitioner and respondent have succeeded the Estate of the deceased T.S.Ramamoorthy. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 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 petitioner is directed to render account once in a year.

30.09.2021

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