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

MONDAY, THE 22ND DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.309 of 2021

In the matter of the Indian Succession
Act No.XXXIX of 1925
and
In the matter of securities of
Mr.S.Parasmal Kothari alias
S.P.Kothari (deceased)

1. CHAMPA BAI

W/o.Late Mr.S.Parasmal Kothari Alias S.P.Kothari,
No.17/26, Pillaiyar Koil Street,
Vadapalani, Chennai-600 026, Tamil Nadu

2. P.SAMPATH RAJ KOTHARI

S/o.Late Mr.S.Parasmal Kothari,
No.17/26, Pillaiyar Koil Street,
Vadapalani, Chennai-600 026, Tamil Nadu

3. KAMAL CHAND KOTHARI

S/o.Late Mr.S.Parasmal Kothari,
No.17/26, Pillaiyar Koil Street,
Vadapalani, Chennai-600 026, Tamil Nadu

4. KUSUMLATHA

W/o.Dharamchand,
No.76/238, Ramakrishna Mutt Road,
Mylapore, Chennai-600 004, Tamil Nadu

5. P.ROOPRAJ KOTHARI

S/o.Late Mr.S.Parasmal Kothari,
No.17/26, Pillaiyar Koil Street,
Vadapalani, Chennai-600 026, Tamil Nadu

**6. GOUTHAMCHAND KOTHARI**

S/o.Late Mr.S.Parasmal Kothari,
No.17/26, Pillaiyar Koil Street,
Vadapalani, Chennai-600 026, Tamil Nadu

7. P.G.LAKSHMI

W/o.Anilkumar Jain,
New No. 30, Old No.168, Q Block,
Tholkappier Street, MMDA Colony,
Arumbakkam, Chennai-600 106, Tamil Nadu

..Petitioners

Original Petition praying that this Hon'ble Court be pleased to grant a Succession Certificate in favour of the petitioner No.6 with power to collect the securities, interest, dividends thereon and to negotiate and transfer the shares specified in the schedule A in the petition, on behalf of the petitioners herein.

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

This Original petition has been filed for succession certificate by the Legal Heirs of the deceased S. Parasmal Kothari @ S.P. Kothari, who died on 21.11.2019.

2. The first petitioner is the wife and the remaining petitioners are the children of the deceased S. Parasmal Kothari @ S.P. Kothari, who died on 21.11.2019, leaving behind the securities mentioned in the Schedule “A” to the petition filed in support of OP No.309 of 2021.

3. As seen from the petition filed in support of OP No.309 of 2021, the petitioners 1 to 5 and the petitioner No.7 have agreed to transfer the



securities mentioned in the Schedule “A” to the petition standing in the name of the deceased S.Parasmal Kothari @ S.P. Kothari in favour of the 6th petitioner.

4. Before the learned Master, the 6th petitioner has been examined as PW1. Through PW1, the following documents were marked as Exhibits :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of S.P. Parasmal Kothari @ S.P. Kothari to confirm that he died on 21.11.2019.
P2	Computer generated Legal Heirship certificate dated 04.01.2020 for the deceased S.P. Parasmal Kothari @ S.P. Kothari
P3	Downloaded copy of the statement of transactions for the period from 01.09.2021 to 30.09.2021 given by the Central Depository Services (India) Limited standing in the name of the husband of the first petitioner and the father of the remaining petitioners viz., S.Parasmal Kothari @ S.P. Kothari.
P4	Photocopy of the Aadhaar card for the first petitioner
P5	Photocopy of the PAN card for the first petitioner
P6	Photocopy of the PAN card for the second petitioner
P7	Photocopy of the Aadhaar card for the second petitioner
P8	Photocopy of the PAN card for the third petitioner
P9	Photocopy of the Aadhaar card for the third petitioner
P10	Photocopy of the PAN card for the fourth petitioner
P11	Photocopy of the Aadhaar card for the fourth petitioner
P12	Photocopy of the Aadhaar card for the fifth petitioner
P13	Photocopy of the PAN card for the fifth petitioner
P14	Photocopy of the Aadhaar card for the sixth petitioner
P15	Photocopy of the PAN card for the sixth petitioner
P16	Photocopy of the Aadhaar card for the seventh petitioner
P17	Photocopy of the PAN card for the seventh petitioner
P18	Copy of the Paper Publication effected in one issue of Tamil Daily viz., “Makkal Kural”, dated 21.07.2021.



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5. In paragraphs 4 and 8 of the petition filed in support of OP No.309 of 2021, the petitioners 1 to 5 and 7 have given consent for transferring the securities mentioned in the Schedule “A” to the petition in favour of the 6th petitioner. The 6th petitioner has been examined as PW1 before the learned Master and he deposed on behalf of the other petitioners also. The petitioners have also proved before this Court that they are the only Legal Heirs of the deceased S.Parasmal Kothari @ S.P.Kothari, as seen from the Legal Heirship Certificate dated 04.01.2020 marked as Ex.P2. The Death Certificate of S.Parasmal Kothari @ S.P. Kothari has also been marked as Ex.P1, which confirms that he died on 21.11.2019. The details of the securities mentioned in the schedule to the petition has also been proved as seen from the Ex.P3.

6. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to



any High Court.

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7. After perusing and examining the evidence available on record as well as pleadings made in the petition filed in support of OP No.309 of 2021, this Court is inclined to grant succession certificate in favour of the 6th petitioner, as prayed for in OP No.309 of 2021. Accordingly, the Original Petition is allowed.

Sd/.A.Q.J.
22.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/30.11.2021

COURT OFFICER(O.S.)

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