

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 15.03.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.529 of 2021

1. Thankam Vamadevan

2. Sunil Vamadevan

3. Sarita Sudeep

...Petitioners

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to direct the learned District Judge, Chengalpattu to dispose the O.P.No.157 of 2020 within a stipulated time.

For Petitioner : Mr.P.Wilson Topaz

O R D E R

The limited prayer sought for in this petition is for a direction to the trial Court to dispose of the proceedings in O.P.No.157 of 2020, within the stipulated period.

2. The petitioners herein have filed O.P.No.157 of 2020 under Section 372 of the Indian Succession Act XXIX of 1925 R/w.Order XXV Rule 6 of the O.S.Rules, seeking to grant the Succession Certificate to the petitioners with power to collect the debts and to receive interest and dividends on and negotiate and transfer the securities mentioned in the schedule.

3. The learned counsel for the petitioners would submit that the petitioners have stated in the petition the urgency involved in obtaining Succession Certificate to assert their claim before the learned Liquidator appointed by the High Court of Kerala. Further, he would submit that the O.P. has been listed on 01.03.2021 for first hearing and since the claim is to be filed on or before 15.03.2021, the matter requires to be disposed before 01.03.2021. The learned counsel further stated that the O.P. has no respondents and therefore, no objection will be expected in the above matter and they have complied with all other requirements as stipulated under the law. This O.P. has been filed only to obtain Succession Certificate for the Company

shares which is undergoing as per the notice dated 10.09.2020 from the High Court of Kerala and therefore, the petitioners seeks expeditious disposal.

3. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

4. On a perusal of the daily status as evidenced in page 26 of the typed set of papers, it is seen that the matter has been kept pending for production of Treasury Receipt.

5. This Court is of the view that the Court below cannot dispose of O.P.No.157 of 2020, without production of the treasury receipts. Hence, the Court below may direct the concerned counsel to produce the treasury receipt within a reasonable period and subsequently dispose of the above said petition, as expeditiously as possible, which will secure the ends of justice.

6. Accordingly, the Civil Revision Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbn

To

The District Judge,  
Chengalpattu.

C.R.P. (PD)No.529 of 2021

RLD(CO)

RMP(09/06/2021)

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