

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.08.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Original Petition No.231 of 2021

1. Mrs.V.jayalakshmi, W/o S.Venkata Krishnan
 2. V.Balaji, S/o S.Venkata Krishnan
 3. G.Susila, W/o Ganesh
 4. V.Gopalakrishnan, S/o S.Venkata Krishnan
 5. R.Hemalatha, W/o Raja
- ... Petitioners

Original Petition (O.P) filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Original Side Rules of this Court, praying that Succession Certificate may be granted to the petitioners with power to collect the debts being the Royalty amount accrued and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

Schedule

<i>S. No.</i>	<i>Name of the Debt</i>	<i>Description</i>	<i>Royalty amount accrued</i>
1	Indian Performing Right Society Limited	Musical works of the deceased Mr.S.Venkatakrishnan	Rs.50,000/-

For petitioners : Mr.P.Ravichandran

ORDER

This Original Petition is filed to grant Succession Certificate to the petitioners with power to collect the debts being the Royalty amount accrued and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

2. The petitioners have averred as follows in the petition:

(a) The deceased Mr.S.Venkata Krishnan, S/o Srinivasan, died on 15.06.2018 at Rajiv Gandhi Government Hospital.

(b) The deceased ordinarily resided at Door No.C.1, Antony Glitters, V.Santha Nagar, Madambakkam, Chennai-600 126 and left property specified in the schedule hereto within the jurisdiction of this Court.

(c) The deceased Mr.S.Venkata Krishnan at the time of his death, left behind the petitioners herein as his surviving and only the next of kin as the legal heirs residing at aforementioned addresses. The property described in Schedule is standing in the name of the deceased mentioned above.

(d) The deceased is a lyricist and had written Tamil songs of more than 75 Tamil films, particularly for actor Vijaykanth movies and he had entered into an assignment deed with Indian Performing Right Society

Limited, having office at No.208, Golden Chambers, 2nd Floor, New Andheri Link Road, Andheri, Mumbai, assigning wholly the copyright for public performance of his existing musical works, arrangements, composition, transcripts and manuscripts, whether published or unpublished, recorded for any film including his future works. The deceased was a member of the Indian Performing Right Society Limited since 23.07.1983. The movable property in respect of which Certificate is sought with relation to the lyrics of the deceased, have been described in schedule. The aforesaid petitioners as wife, sons and daughters of the deceased respectively claim to be entitled to equal share of the Estate of the deceased being the Royalty amount accrued and to be accrued. The parents of the deceased Mr.S.Venkata Krishnan had pre-deceased him.

(e) There is no impediment under Section 370 of the Indian Succession Act, 1925 or under any provisions of this Act or any other enactment to the grant of the Certificate or the validity thereof, if it were granted.

(f) The petitioners have truly set forth in schedule hereto the shares in respect of which the Certificate is applied for. The Succession Certificate is

required for the purpose of obtaining membership for the beneficiary of Mr.S.Venkata Krishnan in the aforementioned society in schedule herein below, standing in the name of the deceased Mr.S.Venkata Krishnan. The said assets in respect of which the Succession Certificate is required, is of the value of Rs.50,000/- (Rupees fifty thousand only) and a Certificate has been issued by the Indian Performing Right Society Limited, confirming the said value. The petitioners undertake to pay the succession duty if any excess amount found to be accrued towards Royalty for the works of the deceased.

(g) No application has been made to any District Court or delegate or to any High Court for probate of any Will of both the said deceased or for Letters of Administration with or without the Will annexed to their properties and the credits.

(h) No application for Succession Certificate in respect of any debt or security belonging to the Estate of the deceased, has been made to any District Court or delegate or to any High Court.

(i) It is not intended to serve notice of the petition on any person, as all the legal heirs of the deceased had jointly filed the present petition.

Hence, for the reasons stated above, the petitioners have filed the present O.P. for the relief stated supra.

3. The second petitioner was examined as P.W.1 and marked Exs.P-1 to Ex.P-4. Ex.P-1 is the computer generated Death Certificate of Mr.Venkatakrishnan, who died on 15.06.2018. Ex.P-2 is the computer generated Legal Heirship Certificate dated 12.09.2020 in respect of the deceased. Ex.P-3 is the Certificate dated 07.01.2021 received through E-mail regarding the amount of Royalty of the deceased. Ex.P-4 is the copy of the paper publication effected in one issue of Tami daily "Makkal Kural", dated 23.07.2021.

4. Considering the averments made in the petition and the documents filed by the petitioners, this Court is satisfied that the petitioners have succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction is issued to the Registry, for grant of Succession Certificate to the petitioners with power to collect the debts being the Royalty amount accrued and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto. The

petitioners are directed to render accounts once a year.

25.08.2021

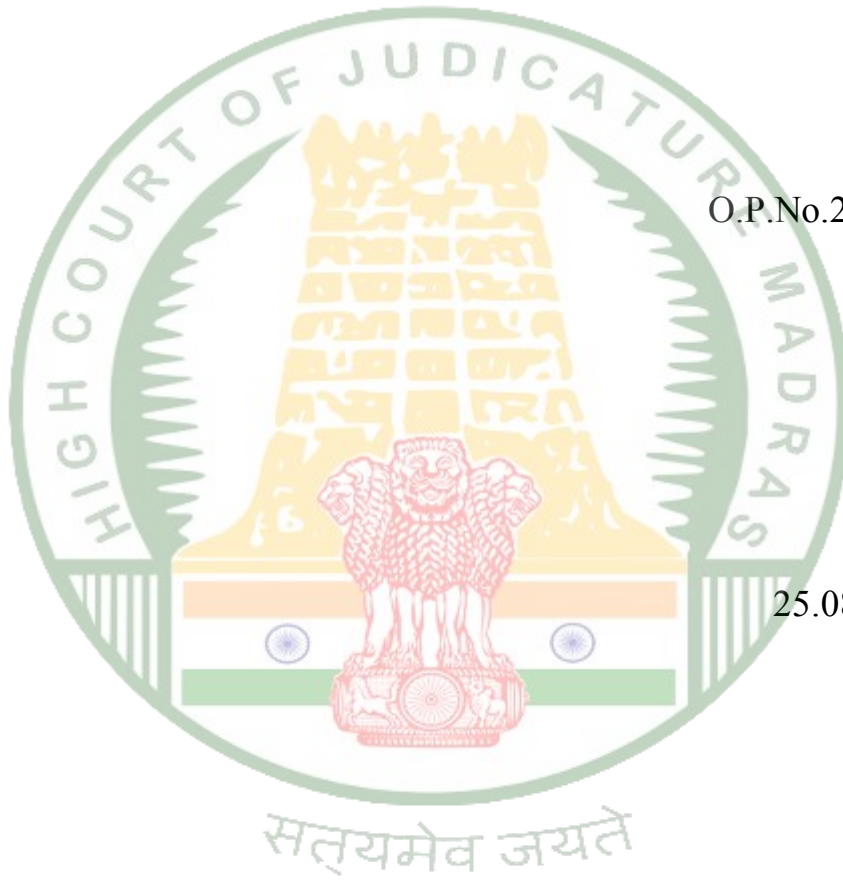
Speaking Order: Yes
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V.PARTHIBAN, J

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