



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

FRIDAY, THE 23RD DAY OF JULY 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P. No.425 of 2019

In the matter of the Indian
Succession Act XXXIX of 1925

and

In the matter of the securities of
Mrs.M.Uma (Deceased) Intestate

Mr.RAMESH KUMAR MOHAN RAO
S/o.Mr.Mohan Rao,
Residing at Flat No.962A-1,
BBC Poornima Apartments,
P.H.Road, Puraswalkam,
Chennai-600084.

..Petitioner

-Vs-

1. Mr.MOHAN RAO
S/o.Seshagiri Rao
Residing at Flat No.962A-1,
BBC Poornima Apartments,
P.H.Road, Puraswalkam,
Chennai-600084.

2.Mrs. ANURADHA RAO
W/o.Sanjay Rao
No.91, Cloud-9, Bommasandra,
Anekal Bangalore,
Karnataka-560099

..Respondents



This Original Petition praying that this Hon'ble Court be pleased to grant Succession Certificate to the petitioner herein with power to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the Schedule in the petition.

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

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 petitioner with power to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule hereto.

2.It is the case of the petitioner that he is the son of the deceased Mrs.M.Uma and Mr.Mohan Rao who is the first respondent herein. The said Mrs.M.Uma died on 12.02.1999 due to illness at U.Mohan Rao Memorial Hospital, Chennai. Other than the petitioner, 1st and 2nd respondents, there are no other relatives to succeed the estate as Class-I heir. When the matter is taken up for hearing, the learned counsel would submit that inadvertently, the consent affidavit of both the respondents have not been filed at the time of filing of O.P., but subsequently, the consent affidavit dated 31.03.2021 was presented to the Registry and the same is taken on record.



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3.The deceased Mrs.M.Uma ordinary residence is at Flat No.962 A-1, BBC Poornima Apartments P.H.Road, Puruswalkam, Chennai – 600 084 at the time of her death. She left the schedule mentioned property and died within the jurisdiction of this Court. On account of the death, the petitioner being her successor, is entitled for the amount of market value of security. 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 transfer of securities. The asset in respect of which the succession certificate is required is of the value of Rs.19,19,520/-. 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 has approached this Court for grant of succession certificate in his name with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

4.The petitioner examined himself as P.W.1 and marked Exs.P1 to P4. Ex.P1 is the original letter dated 20.06.2017 from Kravy Computer share Private Limited regarding transmission of shares. Ex.P.2 is the computer generated death certificate of Mrs.M.Uma, who died on 12.02.1999. Ex.P3



is the original legal heriship certificate dated 25.03.1999 in respect of Mrs.M.Uma. Ex.P.4 is the copy of paper publication effected in one issue of Tamil Daily “Thina Boomi” dated 14.11.2019.

5.Considering the averments made in the petition and the documents filed by the petitioner, this Court is satisfied that the petitioner has succeeded the Estate of the deceased Mrs.M.Uma. 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.

Sd/.V.P.N.J.
23.07.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/25.08.2021 COURT OFFICER(O.S.)
From 25.09.2008 the Registry is issuing certified copies of the
Order/Judgment Decree in this format.