

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

FRIDAY, THE 09TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE T.RAVINDRAN

O.P.No.577 of 2020

In the matter of Indian Succession
Act XXXIX of 1925

and

In respect of certain securities
belonging to the deceased Late
Krishnamurthy Venkataraman
(deceased) Intestate Under Part X
of the Indian Succession Act.

1. S.Sudha,
W/o.Late Krishnamurthy Venkataraman,
No.182/16, Shruthi Flats,
3rd Floor, Big Street,
Triplicane, Chennai-5

2. Minor V.Suvetha,
D/o.Late Krishnamurthy Venkataraman,
Aged about 17 years,
No.182/16, Shruthi Flats,
3rd Floor, Big Street,
Triplicane, Chennai-600 005

Minor represented by
next friend / her mother S.Sudha

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a

Succession Certificate may be granted to the 1st petitioner with power to

and to transfer and to transmit 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:

The Original Petition has been laid under section 372 of the Indian Succession Act, 1925 r/w Order XXV, Rule 6 of O.S.Rules for the grant of succession certificate to the first petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and to transfer and transmit the securities specified in the Schedule to the petition.

2. The first petitioner is the wife and the second petitioner is the daughter of the deceased Krishnamurthy Venkataraman, who died on 14.11.2019. According to the petitioners, the deceased died intestate. It is further putforth by the petitioners that the deceased Krishnamurthy Venkataraman during his life time had opened DEMAT account with ICICI Bank Limited (DP ID:IN303028), Client ID 52663426, in R.K.Salai Branch, Mylapore, Chennai-4 and held the shares as detailed in the petition.

It is further stated that the parents of the deceased Krishnamurthy Venkataraman had predeceased him. Thus, according to the petitioners,

they are entitled to half share each of the shares lying in the aforesaid DEMAT account held by the deceased in the ICICI Bank Limited and further stated that when they sought for permission to deal with the abovesaid securities, they were informed to obtain necessary succession certificate from the Court and it is stated that the total value of the assets in respect of which the succession certificate required is Rs.23,69,498/-. It is further stated that no application has been made in any other court for the grant of succession certificate in respect of the securities belonging to the deceased Krishnamurthy Venkataraman as well as for the Probate of any Will of the deceased or for Letters of Administration. The first petitioner has also undertaken to deposit the share of the second petitioner in her bank and handover the same to the minor on attaining majority and hence sought for the issuance of necessary succession certificate as prayed for.

3. After completing all the formalities, the matter was referred to the Master for recording evidence of the petitioners in support of their claim for the issuance of the succession certificate.

4. The first petitioner has examined herself as P.W.1 and marked Exs.P1 to P5 in support of her claim. Ex.P1 is the death certificate of the deceased Krishnamurthy Venkataraman, who died on 14.11.2019. Ex.P2 is

the Legal Heirship certificate of the deceased. Ex.P3 is the birth certificate of the second petitioner who was born on 06.08.2002. Ex.P4 is the statement of holding as on 29.01.2020 given by ICIC Bank Limited in respect of shares and securities held by the deceased Krishnamurthy Venkataraman. Ex.P5 is the paper publication.

5. Considering the evidence of P.W.1 in *toto*, it is seen that it is only the petitioners who are the legal heirs of the deceased Krishnamurthy Venkataraman and that Krishnamurthy Venkataraman was having the securities by the ICICI Bank Limited as described in the schedule in the petition and accordingly following the demise of the deceased, it is evident that the petitioners are entitled to deal with the same by obtaining necessary succession certificate and accordingly it is found that the petitioners have come forward with the original petition seeking for the issuance of the necessary succession certificate. The claim of the petitioners has been substantiated by the evidence of P.W.1 and the documents marked as Exs.P1 to P5.

6. In view of the abovesaid factors, there is no impediment in the grant of succession certificate in favour of the first petitioner as prayed for.

//Certified to be a true copy//

Dated this the _____ day of _____ 2021.

SU.20.04.2021 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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