

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

FRIDAY, THE 19TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.329 of 2020

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of certain
securities of K.Swarnambal
(deceased intestate)

1. S.MANNAR MANNAN
S/o. Late R.Swaminathan
No. 89/91, Flat No 4,
Aspiran Garden,
2nd Street, Kilpauk,
Chennai-600 010.

2. S.RANI SENTHAMARAI
D/o. Late R.Swaminathan,
No. 205, Teachers Colony,
T.K.M Road, Nenmeli,
Chengalpattu, Kancheepuram-603 002

3. S.NEDUNCHEZHIAN
S/o. Late R.Swaminathan,
Old No.84, New No.14,
5th Cross Street,
Ashoka Avenue, Periyar Nagar,
Jawahar Nagar S.O., Chennai – 600 082

4. S.ELANGO VAN
S/o.Late R.Swaminathan,
No 89/2, Aspiran Garden,

2nd Street,
Kilpauk, Chennai – 600 010

5. S.THANGAM

D/o. Late R.Swaminathan,
W/o. Rajendran,
D 102, 1st Floor,
Spring Field Anthea,
Pattanam Ittery Road,
Coimbatore South,
Coimbatore – 641 016

..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 collect the securities and to receive the interest and dividends on 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 1st Petitioner with power to collect Securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the Petitioners 1,3 and 4 are the sons and Petitioners 2 and 5 are the daughters of the deceased Tmt. K.Swarnambal, who died intestate on 19.08.2001 at Chennai. The husband of the deceased namely Mr.R. Swaminathan predeceased her. The Petitioners are the Class-1 legal heirs of the deceased. The deceased ordinarily resided at Chennai and she had investments in Reliance Industries Limited through their Registrar and Transfer Agents (RTA) viz., M/s. Karvy Infotech, Hyderabad held by the deceased and when the Petitioners approached the company for transmission of the said shares and accumulated dividends in favour of the 1st Petitioner, they insisted for Succession Certificate. Hence, they filed the present Petition. Petitioners 2 to 5 have given their consent that all the securities mentioned in the schedule owned by the deceased Tmt.K.Swarnambal may be transferred to the name of the 1st Petitioner.

4. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the investment within the jurisdiction of this Court. The Petitioners are constrained to produce the Succession Certificate to IEPF Authorities for transmission of the shares and accumulated dividends in favour of the 1st

Petitioner. No application for a succession certificate has been made to any

District Court or delegate or to any High Court for probate of any Will of the said deceased for Letters of Administration with or without the Will annexed to his properties and credits. Hence, the Petitioners prays to grant Succession Certificate to the 1st 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.

5.The 1st Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.9 were marked through him.

6. P.W.1 in his evidence has stated that the 2nd and 5th Petitioners are his sisters and 3rd and 4th Petitioners are his brothers. Their mother Smt.K.Swanambal died on 19.08.2001 leaving behind his legal heirs, who are Petitioners 1 to 5. Ex.P.1 is the death certificate of their mother Smt.K.Swanambal. Ex.P.2 is the Legal Heirship Certificate dated 07.02.2018 in respect of Smt. K.Swanambal. Ex.P.9 is the Paper publication effected on 08.01.2020 and none has objected for it. Petitioners 2 to 5 also filed their consent affidavits stating that they have consented and no objection for the grant of succession certificate morefully stated in the schedule in favour of the 1st Petitioner.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased Smt.K.Swanambal. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st Petitioner with power to collect Securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued.

Sd/.R.P.A.J.
19.02.2021

//Certified to be a true copy//

Dated this the day of 2021

SU/24.02.2021

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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