

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

TUESDAY, THE 23RD DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.468 of 2020

In the matter of Indian Succession
Act

and

In the matter of certain securities
belonging to the deceased A.Jacob
Navaneethan under Part X of the
Indian Succession Act, 1925.

1. MRS.JOY NAVANEETHAN
W/o.Late.Jacob Navaneethan,
No.2729, Y-Block,
12th Main Road, 7th Street,
Annanagar,
Chennai-40

2. DR.JOSEPH AMBROSE
S/o.Late A.Jacob Navaneethan,
No.2729, Y-Block, 12th Main Road,
7th Street, Annanagar,
Chennai-40

3. DR.EVELYN ELIZABETH BOSE
D/o.Late A.Jacob Navaneethan,
No.2729, Y-Block, 12th Main Road,
7th Street, Annanagar,
Chennai-40

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the petitioners with power to collect the Securities and to receive the interest and dividends thereon and to 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 petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the Petitioners are the wife, son and daughter of the deceased Thiru A. Jacob Navaneethan, who died on 28.01.2019. The deceased ordinarily resided at Anna Nagar and left behind the shares as property specified in the Schedule within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will but none has been found.

4. The deceased Thiru A. Jacob Navaneethan died leaving behind

the petitioners as survivors and his only next of kin and all of them are

residing at Channai. The parents of the deceased Thiru A. Jacob Navaneethan predeceased him. During his lifetime he purchased shares which are of the value of Rs.1,59,87,075/-. Since he died intestate Succession Certificate is required for the purpose of claiming the investments, shares, name transfer of shares and other investments as mentioned in the Schedule. Hence, the legal heirs of Thiru A. Jacob Navaneethan, the Petitioners herein, are equally entitled to the above said sum assured.

5. 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 for Succession Certificate with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule.

6. In this regard, the Second Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.9 were marked through him.

7. P.W.1 in his evidence has stated that the 1st and 3rd Petitioners are his mother and sister. Ex.P.1 is the death certificate of their father Thiru A. Jacob Navaneethan, who died on 28.01.2019. Ex.P.2 is the Legal Heirship Certificate dated 19.07.2019 in respect of the deceased. Ex.P.8 is the online copy of valuation of shares. Paper publication has also been effected on 08.12.2020 and none has objected for it.

8. 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 Thiru A. Jacob Navaneethan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the Petitioners with power to collect the securities and to receive interest and dividends thereon and to negotiate and transfer the securities specified in the Schedule, is issued.

Sd/R.P.A.J.
23.02.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/03.03.2021

COURT OFFICER(O.S.)

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