

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

FRIDAY, THE 22ND DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.938 of 2019

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

In the matter of certain Securities
belonging to Dev.Kumar Mukerji and
Daphne Mukerji (Deceased Intestate)

1. NINA MODDIE,
D/o.Late Dev Kumar Mukerji and Daphne Mukerji,
No.103, Excelsior Road,
Mount Colah,
NWS 2079, Australia.
Rep. by power of attorney agent
Mrs.Devika Mukerji Khazvini

2. Mrts. DEVIKA MUKERJI KHAZVINI
D/o.(Late) Dev Kumar Mukerji and Daphne Mukerji,
No.5, Casablanca, No.58,
Rems Street, Off Taylor's Road,
Kilpauk, Chennai-600010

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a
succession certificate may be granted to Mrs.Devika Mukerji Khazvini the
2nd petitioner herein with power to collect the debts and to receive the
interest and dividends on and negotiate and transfer the securities including
those specified in the schedules.

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 1 to 3 are the daughters of deceased Daphne Mukerji, who died intestate on 16.08.2017 in Apolla Hospital, P.H.Road, Chennai 600010. Subsequently Mr.Dev Kumar Mukerji, the father of the Petitioners also died on 11.12.2017, leaving behind the petitioners as their legal heirs. Both the deceased were ordinarily resided at Chennai and left the share certificates specified in the Schedule within the jurisdiction of this Court. Both the deceased died intestate and that due and diligent search has been made for a Will but none has been found.

4. The Petitioners being Class I legal heirs of the deceased claim to be entitled for an equal share to the estate of both the deceased. Hence, the legal heirs of Mr.Dev kumar Mukerji and Mrs.Daphne Mukerji, the

Petitioners herein, are equally entitled to the above said sum assured along with bonus. As the petitioners are required succession certificate for the purpose of transferring share certificate in their names, the filed this application. Since the 1st Petitioner is the resident of Australia, she appointed the 2nd Petitioner as her Power of Attorney Agent to conduct, make necessary applications, adduce evidence before this Court or any other authorities and to receive the claim amount of deceased parents.

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 and the Petitioners 2 to 4 pray that their share may be allotted to the 1st Petitioner.

6. In this regard, the Second Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.8 were marked through him.

7. P.W.1 in her evidence has stated that the first Petitioner is her sister who has given Power of Attorney Ex.P.4 power to collect the securities and to receive the interest and dividends on and negotiate and

transfer the securities specified in the Schedule. Ex.P.1 is the Death Certificate of their mother Mrs.Daphne Mukerji who died on 16.08.2017 and Ex.P.2 is the Death Certificate of their father Mr.Dev Kumar Mukerji, who died on 11.12.2017. Ex.P.3 is the Legal Heirship Certificate dated 16.04.2018 in respect of their father. Ex.P.8 is the copy of Paper publication effected on 15.02.2020 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 Mr.Dev kumar Mukerji and Mrs.Daphne Mukerji. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 2nd Petitioner with power to collect the securities and to receive interest and dividends on and negotiate and transfer the securities specified in the Schedule on her behalf and on behalf of the 1st Petitioner, is issued.

Sd/-R.P.A.J.

22.01.2021

//Certified to be a true copy//

Dated this the th day of 2021

Su/04.02.2021

COURT OFFICER(O.S.)

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