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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(TESTAMENTARY AND INTESTATE JURISDICTION)

WEDNESDAY, THE 17TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.453 of 2019

In the matter of the Indian Succession Act, XXXIX of 1925
And
In the matter of Securities of
S.Premchand (Intestate Death)
P.Jil Jil Kumari(Intestate Death)

1. Mrs.S.SRI LATHA
W/o.R.Ashok Kumar ,
D/o.Late Mrs.Premchand,
New No.90, Old No.63,
Bangaru Street, Annasalai,
Chennai-600002.

2.Mrs. K.KAVITHA
W/o.M.Kishore Kumar
New No.95, Old No.41,
St.Mary's Road,
D/o.Late Premchand,
Abhirampuram,
Chennai-600018.

3.Mr. P.NARENDAR KUMAR
S/o.Late S.Premchand

4.Mr. P.SATISH KUMAR
S/o.Late S.Premchand,

Petitioners 3 and 4
New Door No.6,
Old Door No.5/1, Sripuram Lane,
Royapettah, Chennai-600014. ..Petitioners

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WEB COPY Original Petition praying that this Hon'ble Court be pleased that a Succession certificate may be granted to the 3rd petitioner with power to collect the securities and to receive interest, dividends thereon 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 Original petition has been filed for succession certificate.

2. The petitioners are the children of the deceased S.Premchand and P.Jil Jil Kumari. S.Premchand died on 31.07.2014 and P.Jil Jil Kumari died on 19.01.2012. S.Premchand's mother also died on 06.02.2016. The petitioners have sought for succession certificate in respect of the securities mentioned in Schedule-2 of the petition, which were held in the name of their parents.

3. Before the learned Master, the third petitioner was examined as witness (P.W1). He has deposed on behalf of the petitioners. The following documents were marked as Exhibits:

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Exhibits	*Nature of the documents*
P1	Death certificate of P.Jil Jil Kumari confirming that she died on 19.01.2012.
P2	Death certificate of S.Premchand that he died on 31.07.2014.
P3	Original Legal Heirship certificate dated 01.10.2014 for the deceased S.Premchand.
P4	Death certificate of Mangibai, the mother of the first deceased (S.Premchand) confirming that she died on 06.02.2016.
P5	Photo copies of the share certificates in Reliance Industries Limited standing in the name of P.Jil Jil Kumari (deceased) along with the photo copy of the letter for depositing the original share certificates to Karvy Computer shares Private Limited.
P6	Photo copies of the share certificates in the name of S.Premchand and P.Jil Jil Kumari
P7	Copy of the paper publication effected in one issue of Tamil daily "Thina Boomi" dated 27.07.2019.

4. The third petitioner has also deposed that the petitioners are alone entitled for succession certificate and they have also confirmed that they have not filed any other petition seeking for the same relief before any other Court.

5. The first petitioner, Srilatha has also been examined as a witness (P.W2) before the learned Master in support of the petition filed in O.P.No.453 of 2019. The following documents were marked as Exhibits during her chief-examination.

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Exhibits	*Nature of the documents*
P8	Consent affidavit from the first petitioner stating that she has no objection for the grant of Succession Certificate in favour of the third petitioner (P.Narendar Kumar).
P9	Consent affidavit given by the second petitioner stating that she has no objection for grant of Succession Certificate in favour of the third petitioner (P.Narendar Kumar).
P10	Consent affidavit given by the fourth petitioner stating that he has no objection for grant of Succession Certificate in favour of the third petitioner (P.Narendar Kumar).

6. As seen from the evidence placed on record, the petitioners are the only legal heirs of the deceased S.Premchand and P.Jil Jil Kumari. The first, second and fourth petitioners have also given consent affidavit stating 'no objection' for grant of Succession Certificate in favour of the third petitioner, who is their brother, as seen from Exhibits P8, P9 and P10. The petitioners have also proved through filing of the death certificates and legal heir ship certificate that they are the only legal heirs of the deceased (S.Premchand and P.Jil Jil Kumari). They have also filed documents, which have been marked as Exhibits to prove that the schedule-2 mentioned assets are standing in the name of either S.Premchand or P.Jil Jil Kumari or both.

7. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application under Succession Certificate in respect of any debts or security

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belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

8. This Court is satisfied with the reasons given in the petition seeking for grant of Succession Certificate and the evidence placed by the petitioners also supports their claim for grant of Succession Certificate. Accordingly, succession certificate is granted as prayed for and O.P.No.453 of 2019 is allowed.

Sd/.A.Q.J.
17.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/22.11.2021 COURT OFFICER(O.S.)

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