



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

WEDNESDAY, THE 24TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.516 of 2021

In the matter of Indian Succession Act
XXXIX of 1925
and
In the matter of certain securities
belonging to Usha Kukillaya,
deceased intestate

B.G.KUKILLAYA
S/o.R.Balakrishna Kukillaya,
E112, 16th Cross Street,
Besant Nagar, Chennai-90

..Petitioner

-Vs-

RAKESH KUKILLAYA
S/o.B.G.Kukillaya, E112,
16th Cross Street,
Besant Nagar,
Chennai-90

..Respondent

Original Petition praying that this Hon'ble Court be pleased that a
Succession Certificate may be granted in favour of the petitioner with power
to collect the securities and to receive the interest and 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 grant of succession certificate by the husband of the deceased Usha Kukillaya, who died on 14.10.2013 at Chennai leaving behind the securities morefully described in the schedule to the petition.

2. The respondent is the son of the deceased Usha Kukillaya. The petitioner has sought for Succession Certificate in respect of securities morefully described in the schedule to the petition. Mrs. Usha Kukillaya, the wife of the petitioner and the mother of the respondent died on 14.10.2013 leaving behind the petitioner and the respondent as her only legal heirs. The details of the securities mentioned in the schedule to the petition is also reflected in the letter dated 30.03.2021 issued by Datamatics Business Solutions Limited, Mumbai

3. Before the learned Master, the petitioner was examined as PW1 and the following documents were marked as exhibits on his side:

<i>Exhibit</i>	<i>Nature of Document</i>
P1	Photocopy of the share certificate bearing certificate No.003085186 standing in the name of Usha Kukillaya issued by HDFC Bank Limited



<i>Exhibit</i>	<i>Nature of Document</i>
P2	Computer generated death certificate of Usha Kukillaya who died on 14.10.2013.
P3	Legal Heirship certificate dated 30.12.2013 in respect of Usha Kukillaya
P4	Letter dated 30.03.2021 addressed to Usha Kukillaya by Datamatics Business Solutions Limited
P5	Consent affidavit given by the respondent
P6	Copy of paper publication effected in one issue of Tamil daily “Maalai Murasu” dated 01.10.2021.

4. 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 for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

5. The respondent is also represented by a learned counsel and the consent affidavit of the respondent has also been filed.

6. After giving due consideration to the evidence available on record, this Court is inclined to grant an order of Succession Certificate as prayed



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7. Learned counsel for the petitioner seeks permission of this Court to get the Original legal heirship certificate of Usha Kukillaya from the Registry on substitution of a photostat copy by him. Accordingly, this Court directs the Registry to return the original of the legal heirship certificate dated 30.12.2013 which has been marked as Ex.P3 before the learned Master to the learned counsel for the petitioner, on substitution of a photostat copy.

Sd/.A.Q.J.
24.11.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/29.11.2021

COURT OFFICER(O.S.)

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