



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

FRIDAY, THE 08TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

O.P.No.706 of 2018

In the matter of Indian Succession
Act XXXIX of 1925
and
In the matter of securities of Govind
Swaminadhan Intestate Deceased

1. MRS.MALLIKA SWAMINATHAN
W/o.Late Mr.Govind Swaminadhan,
No.1, Gilchrist Avenue,
Harrington Road,
Chetpet, Chennai - 600 031

..Petitioner

-Vs-

1. G.SHIVA SANTANAM
S/o.Late Mr.Govind Swaminadhan,
No.G-10, Nizamuddin West,
Harzat, Nizamudin,
South Delhi, Delhi - 110013

2. G.RAGINI,
D/o.Late Mr.Govind Swaminadhan,
No.1, Gilchrist Avenue,
Harrington Road,
Chetpet, Chennai- 600 031

..Respondents

Original Petition praying that this Hon'ble Court be pleased that a

Succession Certificate may be granted to the petitioner with power to collect



transfer the securities specified in the schedule of this petition.

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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 petitioner.

2. The petitioner is the wife of the deceased Govind Swaminadhan and the respondents are the son and daughter of the deceased Govind Swaminadhan. The said Govind Swaminadhan ordinarily resided at No.1, Gilchrist Avenue, Harrington Road, Chetpet, Chennai – 600 031 and died on 29.06.2014. The petitioner and the respondents are the class-I legal heirs of the deceased. Therefore, they are entitled to the amount as mentioned in the schedule.

3. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. According to the petitioner, the entire benefits which the legal heirs are entitled to, shall be given in favour of the petitioner. The succession certificate is required for the purpose of

transferring the securities standing in the name of the deceased with the



“The Western India Plywoods Ltd.”. The said assets in respect of which the succession certificate is required, are of the value of Rs.3,99,300/-. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased and no application for probate of any will of the said deceased or for letters of administration with or without the will annexed to his properties and credits, have been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate to the 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.

4. The petitioner examined himself as P.W.1 and marked Exs.P1 to P7. Ex.P1 is the computer generated death certificate of Govind Swaminadhan, who died on 29.06.2014. Ex.P2 is the original Legal Heirship certificate dated 08.01.2015 in respect of Mr. Govind Swaminadhan. Ex.P3 is the consent affidavit given by the 1st respondent. Ex.P4 is the consent affidavit given by the 2nd respondent. Ex.P5 is the photocopy of the share certificate of The Western India Plywoods Limited bearing registered folio No.00001945 and certificate No.619 standing in the name of Govind Swaminadhan. Ex.P6 is the photocopy of the share certificate of The Western India Plywoods Limited bearing registered folio



Swaminadhan. Ex.P7 is a copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 01.03.2021.

5.Considering the averments made in the petition and the documents filed by the petitioner, this Court is of the view that the petitioner has succeeded to the Estate of the deceased Govind Swaminadhan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 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, is issued. The petitioner is directed to render accounts once in a year.

Sd/.V.P.N.J.
08.10.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU/01.11.2021

COURT OFFICER(O.S.)

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