

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

WEDNESDAY, THE 10TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.388 of 2020

In the matter of Indian Succession Act
XXXIX of 1925 and
In the matter of securities of K.Pattabi
deceased intestate

1. P.USHA
W/o.Late K.Pattabi
Old No.14/3, New No.4/3,
Varadappan Street,
West Mamballam,
Chennai - 600 033

2. P.PAVITHRA
D/o.Late K.Pattabi,
Old No.14/3, New No.4/3,
Varadappan Street,
West Mamballam,
Chennai - 600 033

3. K.P.PRANAV
S/o.Late K.Pattabi,
Old No.14/3, New No.4/3,
Varadappan Street,
West Mamballam,
Chennai - 600 033

..Petitioner

This Original Petition praying that this Hon'ble court be pleased

power to collect the securities and to receive with interest and dividends on and negotiate and transfer the securities specified in the schedule in the petition.

The 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 1st petitioner with power to collect the securities and to receive with interest and dividends on and negotiate and transfer the securities specified in the schedule.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the 1st Petitioner is the wife, 2nd Petitioner is the daughter and the 3rd Petitioner is the son of the deceased Mr.K. Pattabi, who died intestate on 17.03.2018. During his life time the deceased invested monies in shares of different companies. As the Petitioners are the only legal heirs of the deceased, they are entitled to claim equal share in the estate of the deceased. The parents of the deceased predeceased him . The deceased Mr.K. Pattabi ordinarily resided at West Mambalam, Chennai and left the securities as specified in the Schedule,

and that due and diligent search has been made for a Will but none has been found.

4. Since the Petitioners are the legal representatives and Class I heirs of the deceased Mr.K. Pattabi, they are entitled to equal shares in the securities of the deceased. As the deceased died intestate, Succession Certificate is required for the purpose of claiming the shares and securities as mentioned in the Schedule. The succession certificate is required are of the value of Rs.16,50,991.40.

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 in favour of the 1st Petitioner Mrs.P.Usha mother of the petitioners 2 and 3 in order to enable her to deal with certificates and deposit in her own name for the purposes of collection of the same on behalf of all the petitioners and they have no objection to issue succession certificate in favour of the 1st Petitioner with power to collect the debts and to receive the interest specified in the schedule.

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

7. P.W.1 in her evidence has stated that the second and third

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.K. Pattabi. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st Petitioner Mrs.P. Usha 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.

//Certified to be a true copy//

SU.03.03.2021

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