

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

WEDNESDAY, THE 03RD DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.501 of 2020

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

and

In the matter of the certian
securities belonging to the deceased
K.A.Eswaran and Ananthalekshmy
Akhil Eswaran-Intestate

1. Mr.KRISHNAN AKHILESWARAN
S/o.Late K.A.Eswaran,
Old No.22, New No.35,
Saptagiri, South Beach Avenue,
M.R.C.Nagar, R.A.Puram,
Chennai-600 028

2.Mrs. LAKSHMI KRISHNAKUMAR
W/o.V.Krishnakumar,
27/12, Ashok Suparna, Flat C1,
Kasturba Nagar 3rd Main Road,
Chennai-600 020

...Petitioners

Original Petition praying that this Hon'ble Court be pleased that a
Succession Certificate may be granted to the 1st petitioner with power to
collect the securities, and 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 under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant a Succession Certificate to the 1st petitioner with power to collect the Securities, and receive the interest and dividends thereon and negotiate and transfer the Securities specified in the Schedule to this petition.

2.The case of the petitioners in brief is as follows :

(a) The 1st and 2nd petitioners are the son and daughter of Mr.K.A.Eswaran, who died on 23.11.2019. His wife, Mrs.Ananthalekshmy Akhil Eswaran predeceased him on 21.09.2017. The deceased Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran ordinarily resided at Old No.22, New No.35, Saptagiri, South Beach Avenue, M.R.C.Nagar, R.A.Puram, Chennai – 600 028, and left the properties specified in the Schedule to this petition within the jurisdiction of this Court.

(b) The deceased Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran died intestate and due and diligent search was made for a Will, but none has been found.

(c) The deceased Mrs.Ananthalekshmy Akhil Eswaran, at the time of her death on 21.09.2017, left behind her husband Mr.K.A.Eswaran and the petitioners as legal heirs, and the said Mr.K.A.Eswaran died on 23.11.2019 leaving behind the petitioners 1 and 2 as his legal heirs. There are no other legal heirs other than the petitioners.

(d) The petitioners are Class-I heirs of the deceased Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran, and they are entitled to equal share of the Estate of the deceased.

(e) The petitioners have truly set forth in the Schedule the Securities held in Demat form in escrow account with the Bank of India with ID 1302080000133381, in respect of which, the certificate is applied for. The Succession Certificate is required for the purpose of transferring the shares invested by the deceased and also to receive the interest and dividends on the securities mentioned above. The said assets in respect of which the Succession Certificate is required are of the value of Rs.3,18,90,085/-.

(f) The 2nd petitioner has no objection and has given her consent for the grant of succession certificate in favour of the 1st petitioner.

(g) No application has been made to any of the District Court or Delegate or to the High Court for Probate of any Will of the deceased Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran, or Letters of Administration with or without the Will annexed to their properties and credits.

(h) No application for a succession certificate in respect of any debt or securities belonging to the Estate of the said deceased has been made to any District Court or Delegate or to any High Court.

(i) There is no impediment under Section 370 of the Indian Succession Act of 1925 or under any other provision of the said Act or any other enactment to the grant of Succession Certificate or the validity thereof, if it were granted.

WEB COPY

(j) Hence, the petitioners pray for a Succession Certificate granted to the 1st petitioner with power to collect the securities, and receive the interest and dividends thereon and negotiate and transfer the Securities mentioned above.

3.Heard the learned counsel for the petitioners.

4.In this regard, the 1st petitioner was examined as P.W.1. In his evidence, he has re-iterated the averments in the petition, and while deposing, he has marked 5 documents as Exs.P1 to P5. Ex.P1 is the computer generated Death Certificate of Mr.K.A.Eswaran, who died on 23.11.2019. Ex.P2 is the computer generated Death Certificate of Mrs.Ananthalekshmy A. Eswaran, who died on 21.09.2017. Ex.P3 is the computer generated Legal Heirship Certificate, dated 22.02.2020, in respect of Mr.K.A.Eswaran. Ex.P4 is the computer generated Demat account statement for the period 13.07.2020 in respect of Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran. Ex.P5 is a copy of paper publication effected in one issue of Tamil daily “Maalai Thamizhagam” dated 22.01.2021. None has raised any objection.

5.Considering the averments made in the petition and the documents filed by the petitioners and also the consent given by the 2nd petitioner, I am satisfied that the 1st petitioner has succeeded to the Estate of the deceased Mr.K.A.Eswaran and Mrs.Ananthalekshmy Akhil Eswaran.

Therefore, this Original Petition is ordered as prayed for, and a direction to grant a Succession Certificate to the 1st petitioner with power to collect the

Securities and receive the interest and dividends thereon and negotiate and transfer the Securities specified in the Schedule, is issued.

Sd/.R.P.A.J.
03.03.2021

//Certified to be a true copy//

Dated this the th day of 2021.

SU/18.03.2021.

COURT OFFICER(O.S.)

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



WEB COPY