



WEB COPY



OP No.502 of 2020

OP No.502 of 2020

ABDUL QUDDHOSE, J.

This Original petition has been filed for Succession Certificate.

2. The petitioner is the son of the deceased Kishinchand Deepchand Khatri, who died intestate on 19.09.2003, leaving behind certain securities, which are morefully described in the schedule to the petition. The first respondent is the wife of the deceased Kishinchand Deepchand Khatri. The second respondent is the other son of the deceased Kishinchand Deepchand Khatri. Since the companies, in which, the deceased Kishinchand Deepchand Khatri, was holding securities, insisted for production of succession certificate, the petitioner, who is the son of the deceased, has approached this Court seeking for grant of succession certificate.

3. Before the learned Master, the petitioner, viz., Vijaykumar K.Khatri, was examined as a witness (P.W.1). In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.502 of



OP No.502 of 2020

2020. Through P.W.1, the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Photocopy of the death certificate of Kishinchand Deepchand Khatri, who died on 19.09.2003.
Ex.P-2	Photocopy of the Legal Heirship certificate dated 10.03.2004 in respect of Kishinchand Deepchand Khatri.
Ex.P-3	Photocopies of the share certificates issued by Seya Industries Limited standing in the name of Kishinchand Deepchand Khatri.
Ex.P-4	Office copy of the letter dated 03.12.2008 sent by the petitioner to the Universal Capital Securities Private Limited.
Ex.P-5	Photocopy of the reply dated 14.12.2018 given by Universal Capital Securities Limited to the petitioner.
Ex.P-6	Photocopy of the PAN Card of Kishinchand Deepchand Khatri, baring No.AACPD1084D.
Ex.P-7	Photocopies of the PAN Cards of the petitioner and the Respondents.
Ex.P-8	Downloaded copy of the Seya Industries share price..
Ex.P-9	Consent affidavit given by the first respondent.
Ex.P-10	Consent affidavit given by the second respondent.
Ex.P-11	Copy of paper publication effected in one issue of Tamil Daily “Dina Kural” dated 15.02.2021.

4. The respondents, who are the other legal heirs of the deceased, Kishinchand Deepchand Khatri have also submitted consent



OP No.502 of 2020

affidavits stating their “No objection” for grant of succession certificate in favour of the petitioner. Their consent affidavits have been marked as Exs.P9 and P10 before the learned Master. As seen from the evidence available on record, it is clear that Kishinchand Deepchand Khatri died on 19.09.2003 and his only legal heirs are the petitioner and the respondents. The legal heirship certificate dated 10.03.2004 of Kishinchand Deepchand Khatri has also been marked as Ex.P2, which will confirm that the petitioner and the respondents are his only legal heirs. The details of the securities, which are mentioned in the schedule to the petition, are also confirmed through Exs.P3, P4, P5 and P8. A paper publication has also been effected in one issue of Tamil daily “Dina Kural” dated 15.02.2021 with regard to the petition filed before this Court seeking for grant of Succession Certificate, which has been marked as Ex.P11.

5. 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



OP No.502 of 2020

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.

6. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant the succession certificate in favour of the petitioner as prayed for in O.P No.502 of 2020. Accordingly, this Original Petition is allowed.

22.12.2021

srn



WEB COPY



OP No.502 of 2020

ABDUL QUDDHOSE, J.

srn

OP No.502 of 2020

22.12.2021