

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

MONDAY, THE 26TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE T.RAVINDRAN

O.P.No.582 of 2020

In the matter of Indian Succession
Act, 1925

and

In the matter of Securities of the
Bijayraj Katariya – Died intestate

1. Mr.B.RAJESH KUMAR
S/o.Late Bijayraj Katariya,
No.22, Appu Street,
Mylapore, Chennai-600 004

..Petitioner

-Vs-

1. Mrs.KIRAN BAI
W/o.Late Bijayraj Katariya,
No.22, Appu Street,
Mylapore, Chennai-600 004

2. NIRMALA KANWAR
W/o.Vimal Chand Nahar,
Door No.32, Plot No.253,
9th Cross Street,
M.K.B.Nagar, Vyasarpadi, Chennai-600 039

3. B.DILIP KUMAR
S/o.Late Bijayraj Katariya,
No.22, Appu Street,
Mylapore, Chennai-600 004

4. LALITHA DEVI
W/o.Goutam Chand Baghmar,
Old No.36, New No.41, 5th Floor,

Perumal Koil Garden Street,
Sowcarpet, Chennai-600 001

5. VIMALESH

S/o.Late Bijayraj Katariya,
No.48, Elephant Gate Street,
Sowcarpet, Chennai-600 001

..Respondents

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to him with power to collect the securities and to receive interest and dividends on and negotiate 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:

The Original Petition has been laid under section 372 of the Indian Succession Act 1925 read with Order XXV Rules 6 of O.S.Rules, for the grant of Succession Certificate *qua* the securities described in the schedule to the petitioner with power to transfer the same and to receive the interest and dividends thereon and negotiate the same.

2. The petitioner is the one of the sons of the deceased Bijayraj Katariya, who died on 23.09.2017. It is further stated that the first respondent is the wife and the respondents 2 and 4 are the daughters and the respondents 3 and 5 are the other sons of the deceased Bijayraj Katariya.

According to the petitioner, the deceased Bijayraj Katariya, during his

lifetime got allotted by way of public issue, the share of Aarti Industries Limited set out in the petition schedule. It is stated that the share certificate in the name of Bijayraj Katariya in Folio No. 006747 are transferred to the company's suspense account and the petitioner claimed a new share certificate with the Registrar and Share Transfer Agent namely Link Intime India Private Limited and by order dated 17.12.2019, he was informed to submit the documents for transmission of share certificates and also advised to obtain the succession certificate from the Court with reference to the same.

3. According to the petitioner, he and the respondents are entitled to claim equal share in the securities left by the deceased Bijayraj Katariya as class-I legal heirs. The respondents 1 to 5 have granted consent for the grant of succession certificate in favour of the petitioner for the reliefs claimed in the petition.

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4. It is further stated that the value of the securities is Rs.16,80,000/-. It is further stated that no application has been made for the grant of succession certificate in respect of the securities left behind by the deceased Bijayraj Katariya before any other court. It is also stated that no application

had been preferred in any Court and accordingly the petitioner has prayed for the grant of succession certificate as putforth in the petition.

5. After completing necessary formalities, the matter had been referred to the Master for recording evidence. In support of the petitioner's claim, the petitioner has tendered evidence as P.W.1 and marked Exs.P1 to P10. Ex.P1 is the death certificate of the deceased Bijayraj Katariya, who died on 23.09.2017. Ex.P2 is the legal heirship certificate of the deceased Bijayraj Katariya. Ex.P3 is the photocopy of the letter dated 17.12.19 addressed by Link Intime India Private Limited. Ex.P4 is the confirmation Email dated 15.01.2020 received from the Registrar & Transfer Agent. Exs.P.5 to P9 are the consent affidavits given by the respondents. Ex.P10 is the paper publication.

6. Considering the evidence of P.W1 and the documents marked as Exs.P1 to P10 in *toto*, it is found that the petitioner has made out the case for the grant of succession certificate in his favour as putforth in the petition. As above pointed out, the respondents who are the other class-I legal heirs of the deceased Bijayraj Katariya, had putforth no objection to the grant of succession certificate in favour of the petitioner *qua* the securities left by the deceased and infact they have given consent affidavits with reference to the same. In all, it is found that there is no impediment in

the grant of succession certificate in favour of the petitioner as prayed for.

7. In the light of the abovesaid discussions, issue succession certificate in favour of the petitioner as prayed for *qua* the securities set out in the petition schedule with power to transfer the same and to receive the interest and dividends thereon and negotiate the same.

8. The Original Petition accordingly stands allowed.

Sd/.T.R.N.J.
26.04.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/30.4.2021

COURT OFFICER(O.S.)

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

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