



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

MONDAY, THE 13TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.746 of 2019

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of Assets belonging
to the Chamanial C.Shah
Intestate Deceased.

1. SATISH C SHAH, 65 Years
S/o.Chamanlal V Shah
2-B, Virgo Apartments,
928, Poonamallee High Road,
Chennai-600084.

2. JAYA C SHAH, 84 years,
W/o.Chamanlal V Shah
2-B, Virgo Apartments, 928,
Poonamallee High Road,
Chennai-600084.

3. SILPA SHAH, 62 years,
W/o.Matish V Shah
401-B Prince Garden Apartments,
40, Thambusamy Road, Kilpauk,
Chennai-600010

..Petitioners

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



debts with interest of the fixed deposits, bank accounts and to collect the securities with interest and dividends thereon and negotiate and transfer the securities, as enumerated 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 is filed for Succession Certificate.

2. The first petitioner is the son, the second petitioner is the wife and the third petitioner is the daughter of the deceased Chamanlal V Shah, who died on 29.08.2005, leaving behind certain securities / Bank Accounts, which are morefully described in the schedule to the petition. The petitioners are the only legal heirs of the deceased Chamanlal V Shah. Since the Banks as well as Companies, in whose name, the securities stand, have insisted for production of succession certificate, the petitioners have approached this Court seeking for Succession Certificate.

3. Before the learned Master, the first petitioner, viz., Satish C Shah, was examined as a witness (P.W.1) and he has deposed on behalf of the remaining two petitioners also. He has reiterated the contents of the petition filed in support of O.P.No.746 of 2019 in his deposition. Before

the learned Master, the following documents were marked as Exhibits on



the side of P.W.1.

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<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Death Certificate of Chamanlal V Shah, confirming that he died on 29.08.2005.
P2	Legal Heirship Certificate dated 07.12.2005 of the deceased Chamanlal V Shah.
P3	Photocopy of the first petitioner's PAN Card.
P4	Photocopy of the second petitioner's PAN Card.
P5	Photocopy of the third petitioner's PAN Card.
P6	Computer generated Bank Statement of Punjab National Bank, bearing Account No.0344009400000374 standing in the name of Chamanlal V Shah
P7	Photocopy of the Punjab National Bank passbook bearing Account No.0344000100023940 standing in the name of the deceased Chamanlal V Shah.
P8	Photocopy of the Bank Statement bearing Account No.008601000019010.
P9	Computer generated demat account statement held with Stock Holding Corporation of India Limited standing in the name of the deceased Chamanlal V Shah.
P10	Copy of paper publication effected in one issue of Tamil daily "Dina Malar" dated 17.12.2019.

4. It is clear that the petitioners are the only legal heirs of the deceased Chamanlal V Shah, as per the legal heirship certificate dated 07.12.2005, which has been marked as Ex.P2. Chamanlal V Shah also died on 29.08.2005, as evidenced from his death certificate, which has been marked as Ex.P1. The details of the Bank Accounts as well as shares, which are morefully described in the schedule to the petition are also confirmed by Exs.P6 to P9. A paper publication has also been effected by the petitioners with regard to the petition made by them for grant of Succession Certificate.



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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 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 perusing and examining the pleadings, evidence and materials available on record, this Court is inclined to grant the succession certificate in favour of the petitioners as prayed for in O.P No.746 of 2019. Accordingly, this Original Petition is allowed.

Sd/.A.Q.J.
13.12.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./30.12.2021

COURT OFFICER(O.S.)

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