



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.1016 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of the certain
securities in respect of
M.Balakrishnan &
Thulukkanam -deceased
Intestate.

1. Saraswathi,
W/o.Devarajan,
Aged about 16 years,
No.8, Ganesh Nagar Main Road,
Sholinganallur, Chennai-119

2. Thilagavathi,
W/o.Dhanaraj,
Aged about 38 years,
No.1/194B, Kaliyamman Koil Street,
Karapakkam, Chennai-600 097

3. Gomathi,
W/o.Gnanamoorthi,
Aged about 36 year,
No.1/389, Indhira Gandhi Main Road,
Oggian Thuraipakkam,
Chennai-600 097.



4. Vasanthakumar,
S/o.Devarajan,
Aged about 34 years,
No.8, Ganesh Nagar Main Road,
Sholinganallur, Chennai-119

5. D.Karthik,
S/o.Devarajan,
Aged about 33 years,
No.8, Ganesh Nagar Main Road,
Sholinganallur, Chennai-119

6. B.Natarajan,
S/o.Balakrishnan,
Aged about 63 years,
No.97/55, Ellaiaimman Koil Street,
West Mambalam,
Chennai-600 033

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the 6th petitioner herein (i.e) B.Natarajan, with the power to collect the securities and to 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 petition has been filed for Succession Certificate.



succession certificate is sought for. Devarajan died on 20.03.2011. The sixth petitioner is the other son of the deceased, M.Balakrishnan Naicker and B.Thulukkanam. M.Balakrishnan Naicker and B.Thulukkanam, the husband and wife (deceased) held shares in their names, which are morefully described in the schedule to the petition filed in support of O.P.No.1016 of 2019. The petitioners are the only legal heirs of the deceased M.Balakrishnan Naicker and B.Thulukkanam and since the companies, in which, M.Balakrishnan Naicker and B.Thulukkanam were holding shares, insisted for production of Succession Certificate, they have approached this Court seeking for Succession Certificate.

3. Before the learned Master, B.Natarajan, the sixth petitioner and the son of M.Balakrishnan Naicker and B.Thulukkanam, was examined as a witness (P.W.1). He has deposed on behalf of the remaining petitioners also. In his deposition, he has reiterated the contents of the petition filed in support of O.P. No.1016 of 2019. Through P.W.1, the following documents were marked as Exhibits.

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P1	Original death certificate of M.Balakrishnan Naicker, who died on 16.04.2001.
Ex.P2	Computer generated death certificate of B.B.Thulukkanam, who died on 12.09.2010.
Ex.P3	Photocopy of the Legal Heirship certificate dated



<i>Exhibits</i>	<i>Nature of the document</i>
	29.06.2001 in respect of Balakrishnan Naicker
Ex.P4	Photocopy of the Legal Heirship certificate dated 04.12.2014 in respect of B.Thulukkanam.
Ex.P5	Original death certificate of B.Devarajan, who died on 20.03.2011.
Ex.P6	Photocopy of the Legal Heirship certificate dated 15.06.2011 in respect of Devarajan.
Ex.P7	(Series 6 Nos.) are the photocopies of the share certificates standing in the name of B.Thulukkanam and M.Balakrishnan
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 06.03.2020.

4. As seen from the evidence available on record, it is clear that M.Balakrishnan Naicker died on 16.04.2001, as seen from Ex.P1 and his wife B.Thulukkanam died on 12.09.2010 as seen from Ex.P2. B.Devarajan, the son of M.Balakrishnan Naicker and B.Thulukkanam died on 20.03.2011, as seen from Ex.P5. The legal heirship certificate dated 29.06.2001 for M.Balakrishnan Naicker also confirms that at the time of his death, B.Thulukkanam, his wife, B.Devarajan and B.Natarajan, his sons, were his only legal heirs. Thereafter, it is seen that the wife of the deceased, M.Balakrishnan Naicker, viz., B.Thulukkanam, died on 12.09.2010 as seen from Ex.P2, leaving behind the petitioners, as her only legal heirs.

B.Devarajan, the other son of M.Balakrishnan Naicker and B.Thulukkanam, died on 20.03.2011, as seen from Ex.P5. B.Devarajan died



leaving behind first to fifth petitioners as his only legal heirs, as evidenced from the legal heirship certificate dated 15.06.2011, which has been marked as Ex.P6. The details of the share certificates disclosed in the schedule to the petition are confirmed through the photocopies of the share certificates, which have been marked as Ex.P7. The petitioners have also effected paper publication in one issue of Tamil daily "Makkal Kural" dated 06.03.2020 with regard to the petition filed by them before this Court seeking for Succession Certificate. The first to fifth petitioners have also submitted a joint consent affidavit before this Court in favour of the sixth petitioner stating their 'No Objection' for grant of Succession Certificate in favour of the sixth petitioner.

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 their 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.



evidence available on record, this Court is inclined to grant Succession Certificate in favour of the sixth petitioner as prayed for in O.P. No.1016 of 2019. Accordingly, O.P. No.1016 of 2019 is allowed.

Sd/.A.Q.J.
13.12.2021

//Certified to be a true copy//

Dated at Madras this the day of 2021.

SU./17.12.2021

COURT OFFICER(O.S.)

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