

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

THURSDAY, THE 25TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P. No.945 of 2019

In the matter of Indian Succession
Act XXXIX of 1925

and

In the matter of certain securities
in respect of Mr.R.Sivaraman
-deceased Intestate

1. Mrs.DHANALAKSHMI @ LATHA
W/o.Late Mr.R.Sivaraman

2.Ms.S.VIJAYASHANTHI
D/o.Late Mr.R.Sivaraman

3.Mr. S.VENKATRAMAN
S/o.Late Mr.R.Sivaraman,

All residing at:
Q-91, Thirukurular Street,
MMDA Colony,
Arumbakkam, Chennai-600106.

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to
grant succession certificate to the petitioners with power to collect securities
and to receive 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 under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner is the wife of the deceased R.Sivaraman and the second and third petitioners are the daughter and son of the deceased respectively. The above said R.Sivaraman died intestate on 08.07.2007. The deceased ordinarily resided at Q-91, Thirukuralar Street, M.M.D.A. Colony, Arumbakkam, Chennai - 600106. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the securities specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of receiving the securities stands in the name of the petitioners jointly. The said securities in respect of which the Succession Certificate is required are for the value of Rs.2,55,55,584.35. No application for a

succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in their name with power to collect the debts as specified in the schedule.

4.The third petitioner was examined as P.W.1 and five documents viz., Exs.P1 to Ex.P.5 were marked through him.

5. P.W.1 in his evidence has stated that the first petitioner is his mother and the second petitioner is his sister. He deposed on behalf of the 1st and 2nd petitioners also. He was filing his proof affidavit stating the facts of this case and the same may be treated as part and parcel of his examination-in-chief. In continuation of his proof affidavit, the following documents were marked as exhibits on his side. Ex.P.1 is the original death certificate of R.Sivaraman, who died on 08.07.2007. Ex.P2 is the computer generated Legal Heirship certificate dated 04.08.2018 in respect to the deceased R.Sivaraman. Ex.P3 is the certified copy of the statement of holdings as on 18.09.2019 issued by IL&FS Securities Services Limited, Mumbai – 400 072 in respect of shares and securities held by his deceased R.Sivaraman in Clinet ID.No.11141758. Ex.P4 is the photocopy of the Gas Bill in respect of his deceased R.Sivaraman dated 25.10.2013. Ex.P5 is the

copy of Paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 27.10.2020.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased R.Sivaraman. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioners with power to collect the debts as specified in the schedule, is issued.

Sd/.R.P.A.J.
25.02.2021

//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.

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