

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

THURSDAY, THE 11TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.864 of 2019

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of the Securities of
Mr.T.Madhusudanan(deceased)
Intestate.

Mrs.RAJITHA
D/o.Mr.T.Madhusudanan,
Residing of Plot No.577,
SBOA School Road,
Anna Nagar West Extension,
Chennai-600101.

..Petitioner

-Vs-
सत्यमेव जयते

Mrs.K.RAJESWARI
W/o.T.Madhusudanan,
Residing at Plot No.577,
SBOA School Road,
Anna Nagar West Extension,
Chennai-600101.

..Respondent

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

securities and to receive 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 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 petitioner.

2. Heard the learned counsel appearing on either side.

3. It is the case of the petitioner that the Petitioner is the daughter and the respondent is the wife of Late Mr.T.Madhusudanan. The above said Mr.T.Madhusudanan died intestate on 15.01.2014. The deceased ordinarily resided at Plot No.577, SBOA School Road, Anna Nagar West Extension, Chennai – 600 101 and left the assets (shares) specified in the Schedule, within the jurisdiction of this Court. The parents of the deceased Mr.T.Madhusudanan predeceased him. The Petitioner and the respondent are the only legal heirs of Late Mr.T.Madhusudanan. The deceased died intestate on 15.01.2014 and though due and diligent search has been made for a Will, none has been found.

4. The Petitioner and respondent are the only legal heirs of the

deceased, they are entitled to the estate of the said deceased

Mr.T.Madhusudanan. The Petitioner required the Succession Certificate for the purpose of transferring the share certificates, standing in the name of the deceased Mr.T.Madhusudanan, morefully mentioned in the Schedule. The said assets in respect of which the Succession Certificate is required are for the value of Rs.11,09,025/-. No application for a succession certificate has been made to any District Court or delegate or to any High Court for probate of any Will of the said deceased for Letters of Administration with or without the Will annexed to his properties and credits. Hence prays for Succession Certificate with power to collect the securities and to receive the Interest and Dividends thereon and to negotiate and transfer the securities, specified in the Schedule.

5. The Petitioner was examined as P.W.1 and seven documents viz., Exs.P1 to Ex.P.7 were marked through her.

6. P.W.1 in her evidence has stated that she is the daughter of the deceased Mr.T.Madhusudanan and the respondent is her mother. She has filed her proof affidavit stating the facts of this case and the same may be treated as part and parcel of her examination-in-chief. In continuation of her proof affidavit, the following documents were marked as exhibits on her side. Ex.P.1, is the computer generated death certificate of the deceased Mr.T.Madhusudanan. The said certificate shows that the deceased died on

19.05.2014, in respect to the deceased Mr.T.Madhusudanan. Ex.P.3 is the copy of the petitioner's PAN card. Ex.P4, is copy of the letter dated 14.08.2019, issued by Integrated Registry Management Services Private Limited, addressed to the petitioner, asking for succession certificate. Ex.P5 and Ex.P6 are the photocopy of the share certificates in the Federal Bank Limited bearing Certificate Nos.503532 and 603110, respectively, held by the deceased Mr.T.Madhusudanan. Ex.P7, is the copy of the Paper publication effected on 22.11.2020 and none has objected for it.

7. Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased Mr.T.Madhusudanan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive the Interest and Dividends thereon and to negotiate and transfer the securities, specified in the Schedule, is issued.

WEB COPY

Sd/.R.P.A.J.
11.02.2021

//Certified to be a true copy//
Dated this the day of 2021.

SU/16.02.2021

COURT OFFICER(O.S.)

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