

O.P.No.1028 of 2019**V.PARTHIBAN.,J**

This Petition has been filed under Section 372 of the Indian Succession Act, 1925 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 Kanchan Devi Bokdia died on 17.10.2018 at Vasantha Subramanian Hospitals, India Pvt., Limited., 806, P.H.Road, Kilpauk, Chennai and were ordinarily residing at No.26/1, Elephant Gate Street, Sowcarpet, Chennai - 79. First petitioner is the husband of the deceased/Kanchan Devi Bokdia and petitioners 2 to 7 are the daughters and sons of the deceased/Kanchan Devi Bokdia. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased had opened NSDL Demat Account at Arihant Capital Markets Limited and in JV ACML Chennai. The petitioners are the Class I legal heirs of the deceased and are entitled to 1/7th share each in the Schedule mentioned shares. The succession certificate is required for the purpose to receive the amount lying in the Demat account i.e., at Arihant Capital Markets Limited and JV ACML

Chennai. The assets in respect of which the succession certificate is required are of the value of Rs.22,03,804.85 ps(Rupees Twenty Two Lakhs three thousand eight hundred and four rupees and eighty five paise). 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 or for Letters of Administration with or without the Will annexed to his properties and credits. Hence, the petitioners have approached this Court for grant of succession certificate in their names with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule.

4.The sixth petitioner examined herself as P.W.1 and marked Exs.P1 to P10 viz.,

Ex.P1 is the computer generated death certificate of Kanchan Devi Bokdia, who died on 17.10.2018.

Ex.P2 is the computer generated Legal Heirship certificate dated 06.01.2019 in respect of Kanchan Devi Bokdia.

Ex.P3 is the original statement of holding as on 24.08.2019 in respect of Kanchan Devi Bokdia.

Ex.P4 is the consent affidavit given by the 2nd petitioner.

Ex.P5 is the consent affidavit given by the 3rd petitioner.

Ex.P6 is the consent affidavit given by the 4th petitioner.

Ex.P7 is the consent affidavit given by the 5th petitioner.

Ex.P8 is my consent affidavit.

Ex.P9 is the consent affidavit given by the 7th petitioner.

Ex.P10 is a copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 19.02.2020.

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

5.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the first petitioner has succeeded. 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 on and negotiate and transfer the securities specified in the Schedule, is issued. The first petitioner is directed to render account once in a year.

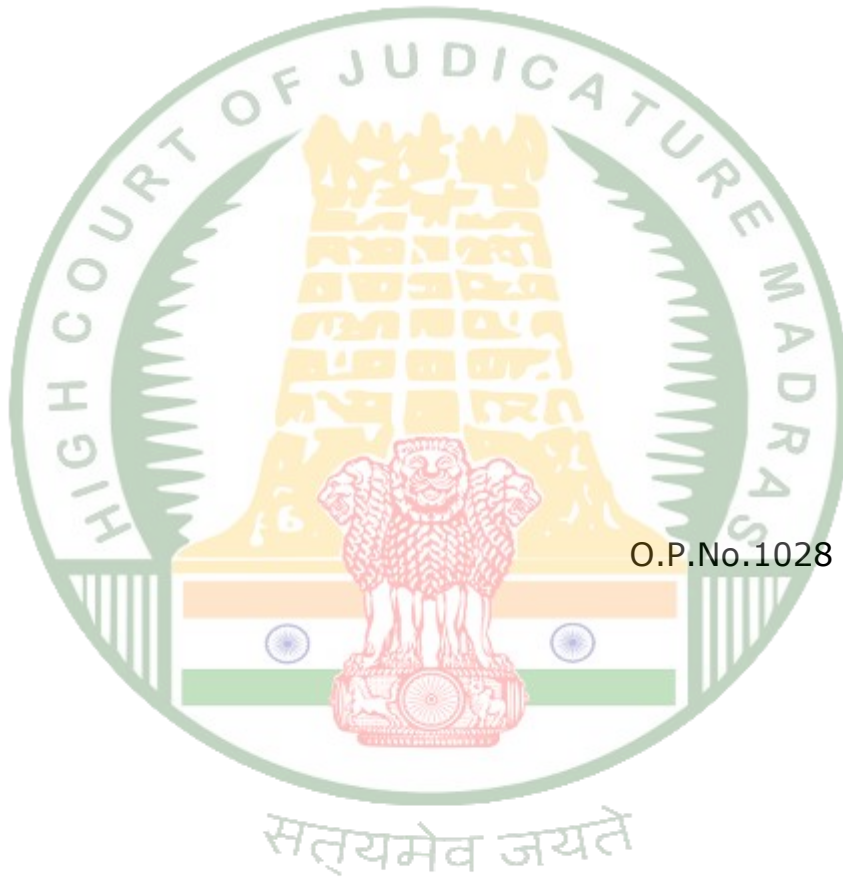
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O.P.No.1028 of 2019

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