

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

FRIDAY, THE 22ND DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.918 of 2019

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of securities in respect
of Thiru A.Devaraj (died) Intestate

1. D.ASIR THOMAS

S/o.Late A.Devaraj
No.42(1), Shanmugavel Street,
Aruppukottai-626 101.

2. D.JOHN KIRUBHAKARAN

S/o.Late A.Devaraj.
No.46, Kamatchipuram 1st Street,
Maninagaram,
Aruppukkottai-626101.

3. D.AUGUSTIN JEBADURAI

S/o.Late A.Devaraj,
No.5-35-11/1, Kamarajar Nagar,
3rd Street, Palayampatti,
Aruppukkottai, Virudhunagar-626112.

4. D.JEBA SELVI

D/o.Late A.Devaraj,
No.24, Samuel Street,
Nazareth, Thoothukkudi-628617

..Petitioners

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

Succession certificate may be granted to the 1st 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 hereto and the petitioners 2 to 4 prays that their share may be allotted to the 1st petitioner.

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 Petitioners 1 to 3 are the sons and Petitioner 4 is the daughter of the deceased Thiru A. Devaraj, who died on 09.04.2016. The wife of Thiru A. Devaraj and mother of the petitioners predeceased Thiru A. Devaraj on 07.02.2014. The deceased Thiru A. Devaraj ordinarily resided at Aruppukottai and left properties specified in the Schedule within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will but none has been found.

4. During his lifetime he purchased shares of M/s. Caplin point

Laboratories which are of the value of Rs.4,00,000/-. Since he died intestate Succession Certificate is required for the purpose of claiming the investments, shares, name transfer of shares and other investments as mentioned in the Schedule. Hence, the legal heirs of Thiru.A. Devaraj, the Petitioners herein, are equally entitled to the above said sum assured along with bonus. The Petitioners 2 to 4 have given consent to the 1st Petitioner on their behalf, to conduct, make necessary applications, adduce evidence before this Court or any other authorities and to receive the claim amount of deceased Thiru A. Devaraj, who is the father of the Petitioners 1 to 4. The Petitioners 2 to 4 have also filed separate affidavit of consent along with this application.

5. 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, the Petitioners prays for Succession Certificate with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule and the Petitioners 2 to 4 pray that their share may be allotted to the 1st Petitioner.

6. In this regard, the First Petitioner was examined as P.W.1 and Exs.P1 to Ex.P.7 were marked through him.

7. P.W.1 in his evidence has stated that the second and third Petitioners are his brothers and fourth petitioner is his sister. Ex.P.1 is the death certificate of their father Thiru A. Devaraj, who died on 09.04.2016. Ex.P.2 is the Legal Heirship Certificate dated 29.06.2016 in respect of the deceased. Ex.P.3 is the Death Certificate of their mother Tmt.D. Samadhanam, who died on 07.02.2014. Ex.P.5 is the consent affidavit given by the Petitioner 2 to 4 stating that they have no objection in grant of Succession Certificate in favour of the 1st Petitioner. Ex.P.6 is the consent affidavit given by the Petitioners 2 to 4 regarding transmission of shares. Paper publication has also been effected on 15.02.2020 and none has objected for it.

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8. 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 Thiru A. Devaraj. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st Petitioner with power to collect the securities and to receive interest

and dividends on and negotiate and transfer the securities specified in the Schedule on his behalf and on behalf of the Petitioners 2 to 4, is issued.

Sd/.R.P.A.J.
22.01.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/03.02.2021 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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