

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

FRIDAY, THE 08TH DAY OF JANUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.NO.1017 of 2019

In the matter of the Indian Succession
Act XXXIX, 1925
and

In the matter of Certain Securities
belonging to the Ghewarchand B.Jain
deceased intestate.

MR.NARESH.G
SON OF LATE GHEWARCHAND B.JAIN,
4,5,6,7, NORTH TOWN APARTMENT,
TOWER NO.6, FLAT NO.502,
STEPHENSON ROAD,
PERAMBUR BARRACKS,
CHENNAI-600 012 ..Petitioner

-Vs-

1. VIMALA BAI
W/O.LATE GHEWARCHAND B.JAIN,
42, NAMBULIYAR STREET,
SOWCARPET,
CHENNAI-600 001

2. SURESH KUMAR G
S/O.LATE GHEWARCHAND B.JAIN,
NO.4-7, T-1, FLAT NO.904,
NORTH TOWN APARTMENT,
STEPHENSON ROAD,
9TH FLOOR, PERAMBUR,
PERAMBUR BARRACKS,
CHENNAI-600 012

3. RAKESH KUMAR
S/O.LATE GHEWARCHAND B.JAIN,
NORTH TOWN, ANANDA, TOWER 2,
FLAT 1201, 12TH FLOOR, 4-7,
STEPHENSON ROAD,
PERAMBUR, PERAMBUR BARRACKS,
CHENNAI-600 012

4. RINKU
W/O.NITIN R.SAKARIA
AND DAUGHTER OF LATE GHEWARCHAND B.JAIN,
NO.33/1, SAKARIA NIVAS,
1ST CROSS NEHRU NAGAR,
SESHADRIPURAM,
BANGALORE-560 020

..Respondents

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the petitioner with power to collect all the securities, and to receive the interest and dividends on and negotiable and transfer the securities specified in the the schedule in the petition.

This original petition coming on this day before this court for hearing the court made the following order:

WEB COPY

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 for the petitioner.

3. The case of the petitioner is that he is the son of one Late Ghewarchand B.Jain. The first respondent Vimala Bai, is his mother. The second and third respondents are his brothers and the fourth respondent is his sister. The deceased died intestate and though due and diligent search has been made for a Will, none has been found. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of transferring the shares, debentures, mutual funds and operating the bank accounts of the deceased. No application for a succession certificate has been made to any District Court or delegate or to any High Court. Hence, the petitioner has approached this Court for grant of succession certificate in his name with power to collect all the securities, to receive the interest and dividends on and negotiable and to transfer the securities, as specified in the schedule.

4.The petitioner was examined as P.W.1 and marked 13 documents as Exs.P1 to Ex.P.13.

5. P.W.1 in his evidence has stated that the 1st respondent is his mother and the 2nd to 4th respondents are his brothers and sister. All the respondents had filed a consent affidavit under Ex.P9 to Ex.P12, stating that they have no objection in grant of succession certificate in favour of the petitioner. Ex.P1, is the death certificate of Ghewarchand B.Jain, who died

on 10.10.2015. Ex.P2, is the legal heir certificate dated 29.06.2016, in respect to the deceased Ghewarchand B.Jain. Ex.P3, is the computer generated statement of holdings as on 10.09.2019 in Standard Chartered Bank, Mumbai, in respect to the shares and securities standing in the name of petitioner's father Ghewarchand B.Jain, in Client ID No.21698968. Ex.P4 to Ex.P8, are the copy of Adhaar Cards, which stands in the name of petitioner and respondents 1 to 4, respectively. Ex.P13, is the copy of the paper publication effected in one issue of Tamil daily "Dina Kural" dated 09.11.2020. After effecting Paper publication, none has objected for it.

6. 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 Ghewarchand B.Jain. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect all the securities, to receive the interest and dividends on and negotiable and to transfer the securities, as specified in the schedule, is issued.

Sd/.R.P.A.J.
08.01.2021

//Certified to be a true copy//

Dated this the th day of 2021.
Su.22.01.2021

COURT OFFICER(O.S.)

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