

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

TUESDAY, THE 27TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE T.RAVINDRAN

O.P.Nos.1072, 1073 AND 1075 of 2019

O.P. No.1072 of 2019 :-

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of Securities of
R.Narasimhan (died) Intestate

1. N.Ramji,
S/o.Late R.Narasimhan,
Flat No.102, 1st Floor, Skyline Apartments,
Building No.548, Langford Road,
Bangalore-560 025.
2. N.S.Kumar,
S/o.Late R.Narasimhan,
54, South Wind Drive,
Montgomery, Texas 77356,
United States of America
rep. by his Power Agent, N.S.Rajan,
S/o.Late R.Narasimhan,
E-502, Sunflower Apartments,
Valley of Flowers, Thakur Village,
Kandivli East, Mumbai-400 101.
3. N.S.Rajan,
S/o.Late R.Narasimhan,
E-502, Sunflower Apartments,
Valley of Flowers, Thakur Village,
Kandivli East, Mumbai-400 101.

4. Cynthia Gopalan,
W/o.Late N.Gopalan,
2010, Maruthi Apartments, 2nd Cross,
Wind Tunnel Road, Bangalore North,
Vimanapura, Murgeshpalya,
Bangalore-560 017.

5. Mahesh Gopalan,
S/o.Late N.Gopalan,
46, SFS Apartments, Dr.Mukherjee Nagar,
New Delhi-110 009. ... Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted to the 1st petitioner herein with powers to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule in the Petition.

O.P. No.1073 of 2019:-

In the matter of the Indian
Succession Act XXXIX of 1925

and

In the matter of Securities of
R.Narasimhan (died) Intestate

1. N.S.Rajan,
S/o.Late R.Narasimhan,
E-502, Sunflower Apartments,
Valley of Flowers, Thakur Village,
Kandivli East, Mumbai-400 101.

2. N.S.Kumar,
S/o.Late R.Narasimhan,
54, South Wind Drive,

Montgomery, Texas 77356,
 United States of America
 rep. by his Power Agent, N.S.Rajan,
 S/o.Late R.Narasimhan,
 E-502, Sunflower Apartments,
 Valley of Flowers, Thakur Village,
 Kandivli East, Mumbai-400 101.

3. N.Ramji,
 S/o.Late R.Narasimhan,
 Flat No.102, 1st Floor, Skyline Apartments,
 Building No.548, Langford Road,
 Bangalore-560 025.

4. Cynthia Gopalan,
 W/o.Late N.Gopalan,
 2010, Maruthi Apartments, 2nd Cross,
 Wind Tunnel Road, Bangalore North,
 Vimanapura, Murgeshpalya,
 Bangalore-560 017.

5. Mahesh Gopalan,
 S/o.Late N.Gopalan,
 46, SFS Apartments, Dr.Mukherjee Nagar,
 New Delhi-110 009.

... Petitioners

Original Petition praying that this Hon'ble court be pleased that a Succession Certificate may be granted to the 1st petitioner herein with powers to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule in the petition.

O.P. No.1075 of 2019:-

In the matter of the Indian
Succession Act XXXIX of 1925
and
In the matter of securities of
R.Narasimhan (died) Intestate

1. Cynthia Gopalan,
W/o.Late N.Gopalan,
2010, Maruthi Apartments, 2nd Cross,
Wind Tunnel Road, Bangalore North,
Vimanapura, Murgeshpalya,
Bangalore-560 017.
2. Mahesh Gopalan,
S/o.Late N.Gopalan,
46, SFS Apartments, Dr.Mukherjee Nagar,
New Delhi-110 009.
3. N.Ramji,
S/o.Late R.Narasimhan,
Flat No.102, 1st Floor, Skyline Apartments,
Building No.548, Langford Road,
Bangalore-560 025.
4. N.S.Kumar,
S/o.Late R.Narasimhan,
54, South Wind Drive,
Montgomery, Texas 77356,
United States of America
rep. by his Power Agent, N.S.Rajan,
S/o.Late R.Narasimhan,
E-502, Sunflower Apartments,
Valley of Flowers, Thakur Village,
Kandivli East, Mumbai-400 101.
5. N.S.Rajan,
S/o.Late R.Narasimhan,
E-502, Sunflower Apartments,
Valley of Flowers, Thakur Village,
Kandivli East, Mumbai-400 101.

Original Petition praying that this Hon'ble court be pleased that a Succession Certificate may be granted to the 1st and 2nd petitioners herein jointly with powers to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule in the petition.

These original Petitions are coming on this day before this court for hearing the court made the following order:

The abovesaid Original Petitions have been laid for the grant of Succession Certificates under Section 372 of the Indian Succession Act, 1925, r/w Order XXV Rule 6 of the Original Side Rules.

2. The abovesaid Original Petitions have been laid for the grant of Succession Certificates in respect of the securities of the deceased R.Narasimhan, who died intestate.

3. The petitioners are referred to as per their rankings in O.P. No.1072 of 2019.

4. It is the case of the petitioners that the deceased R.Narasimhan is the father of the petitioners 1 to 3 and one N. Gopalan and it is stated that the deceased R.Narasimhan died on 07.02.1999 leaving behind his wife Jaya Narasimhan and his four sons, as above stated. It is further stated that

stated that N. Gopalan, son of R.Narasimhan died on 28.08.2018 and the petitioners 4 and 5 are the legal heirs of N. Gopalan.

5. According to the petitioners, the deceased R. Narasimhan died intestate and it is put forth that the petitioners 1 to 3 and N. Gopalan filed O.P. Nos.225, 226, 228 & 229 of 2000 praying for the grant of Succession Certificates with respect to the various shares made known to them of the deceased R. Narasimhan as per the Memorandum of Understanding entered into between them and the abovesaid Original Petitions had been allowed on 21.06.2000 and Succession Certificates had been granted accordingly. On coming to know that some more shares are in the name of the deceased R.Narasimhan, according to the petitioners, they have filed necessary application for the extension of the Succession Certificates in Application Nos. 1866, 1867 and 1868 of 2008 and the said applications had been allowed on 09.04.2008.

6. According to the petitioners, they have found some more physical shares in the name of the deceased R. Narasimhan recently and the said shares had been amicably divided amongst the petitioners by way of the Memorandum of Understanding executed by them at their respective place of residence on different dates mentioned therein and thus according to the petitioners, as per the terms of the Memorandum of Understanding, the first petitioner was allotted the share described in the schedule in the petition in

O.P. No.1072 of 2019, the third petitioner was allotted the shares set out in the schedule in the petition in O.P. No.1073 of 2019 and the petitioners 4 and 5 were allotted the share set out in the schedule in the petition in O.P. No.1075 of 2019 and therefore, according to the petitioners they had been necessitated to file the abovesaid Original Petitions seeking for the grant of Succession Certificates with the powers to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule in the respective Original Petitions and further it is put forth by them that they have not approached any other Court for the grant of Succession certificates in respect of the shares set out in the schedule in the Original Petitions and therefore, prayed for the grant of Succession Certificates in favour of the respective petitioners as claimed in the Original Petitions.

7. In these matters, though the petitioners have filed different Original Petitions for the grant of Succession Certificates in respect of the shares set out in the schedule in the Original Petitions, it is found that they have preferred an Application No.2917 of 2020 in O.P. No.1073/2019 seeking permission to the first petitioner in O.P. No.1073/2019 to adduce the common evidence in all the Original Petitions through video conferencing and the abovesaid request of the petitioners is found to have been granted to

petitioner in O.P. No.1073/2019 has proceeded to tender evidence on behalf of all the petitioners in the three Original Petitions.

8. In all the abovesaid three Original Petitions, after completing necessary formalities, the matter had been referred to the Master for recording evidence and accordingly, the first petitioner in O.P. No.1073/2019, N.S.Rajan, has tendered evidence as P.W.1 and marked Exs.P1 to P11, detailed as under:

- 1) Ex.P1 is the computer generated Death Certificate of R.Narasimhan, who died on 07.02.1999.
- 2) Ex.P2 is the photocopy of the Legal Heirship certificate dated 16.02.1999 in respect of the deceased R.Narasimhan.
- 3) Ex.P3 is the copy of the Succession Certificate issued by this Court in O.P. Nos.225,226, 228 and 229 of 2000 along with extension granted in A.Nos.1866, 1867 and 1868 of 2008.
- 4) Ex.P4 is the Death Certificate of Jaya Narasimhan, who died on 25.09.2010
- 5) Ex.P5 is the legal heirship certificate in respect of Jaya Narasimhan.
- 6) Ex.P6 is the General Power of Attorney dated 24.03.2011 executed by N.S. Kumar in favour of N.S. Rajan.
- 7) Ex.P7 is the Death Certificate of N. Gopalan, who died on

28.08.2018.

8) Ex.P8 is the legal heirship certificate of the deceased N.Gopalan (son of the deceased R.Narasimhan).

9) Ex.P9 is the Memorandum of Understanding.

10) Ex.P10 is the copy of the letter dated 15.09.2011 issued by Karvy Computershare Private Limited in respect of the shares held by the deceased R. Narasimhan.

11) Ex.P11 is the copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 07.03.2020.

9. Considering the evidence of P.W.1 and the documents Exs.P1 to P11 marked through him, in toto, it is found that the petitioners have made out the case for the grant of Succession Certificates in respect of the shares held by the deceased R.Narasimhan as per the Memorandum of Understanding entered into between them marked as Ex.P9. In such view of the matter, the evidence of P.W.1 being acceptable in all aspects and therefore also found to have been granted permission to tender evidence on behalf of other petitioners as above pointed out, in all, it is seen that there is no impediment in granting the Succession Certificates in favour of the respective petitioners as prayed for in the three Original Petitions.

with powers to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule in the respective petitions in favour of the

- 1) First petitioner (ranking as per in O.P.No.1072 of 2019) in O.P. No.1072 of 2019.
- 2) Third Petitioner (ranking as per in O.P.No.1072 of 2019) in O.P. No.1073 of 2019.
- 3) Fourth and fifth petitioner (ranking as per in O.P.No.1072 of 2019) in O.P. No.1075 of 2019.

Accordingly, the Original Petitions are allowed.

Sd/.T.R.N.J.
27.04.2021

//Certified to be a true copy//

Dated this the day of 2021.

SU/30.4.2021

COURT OFFICER(O.S.)

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