

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

TUESDAY, THE 09TH DAY OF FEBRUARY 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

O.P.No.1044 of 2019

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of Debts and
Securities Belonging to
Shameem Asgar (Deceased
Intestate)

1. VS ISMAIL BAIG (Husband)
No.28, (Old No.12), 3rd Street,
Kumaran Nagar,
Chennai-600 082

2. I.SHAKKEELA PARVEEN(Daughter)
Flat No.38, 2nd Floor, Ram Plaza,
No.157-E, M.T.H.Road,
Villivakkam,
Chennai-600 049

3. I.IMTIAZ BAIG(Son)
No.103, Wama Regency,
14/9 Rhenius Street,
Richmond Town,
Bengaluru-560 025

4. I.AEJAZ BAIG (Son)
No.28 (Old No.12) 3rd Street,
Kumaran Nagar,
Chennai-600 082

5. I.SURIYA JABEEN (Daughter)
15/2, New Karunanidhi 2nd Street,
Kottur, Kotturpuram,
Chennai-600 085

6. I.IIYAS BAIG (Son)
No. M 25, M Block 10th Street,
Anna Nagar East,
Chennai-600 102

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate be granted in favour of 2nd 3rd 4th 5th and 6th petitioners herein with the Power to collect the Securities and to receive the interest and dividends thereon and to 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, 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 to 6 herein.

3. It is the case of the petitioners that the 1st Petitioner is the husband; 2nd and 5th petitioners, are the daughters and 3rd, 4th and 6th petitioners are the sons of Late Mrs.Shameem Asgar. The above said Mrs.Shameem Asgar died intestate on 11.02.2018. The deceased ordinarily resided at No.28/12, 3rd Street, Kumaran Nagar, Chennai - 82 and left the securities specified in the Schedule, within the jurisdiction of this Court. The parents of the deceased Mrs.Shameem Asgar predeceased her. The Petitioners are the only legal heirs of Late Mrs.Shameem Asgar. The deceased died intestate on 11.02.2018 and though due and diligent search has been made for a Will, none has been found.

4. The deceased left the securities within the jurisdiction of this Court and as the Petitioners are the only legal heirs of the deceased, they are entitled to the estate of the said deceased Mrs.Shameem Asgar. The Petitioners required the Succession Certificate for the purpose of transferring the share certificates, standing in the name of the deceased Mrs.Shameem Asgar, morefully mentioned in the Schedule, equally in the name of petitioners 2 to 6. The said assets in respect of which the Succession Certificate is required are for the value of Rs.1,07,49,515/-. No application for a succession certificate has been made to any District Court

deceased for Letters of Administration with or without the Will annexed to her 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 2nd Petitioner was examined as P.W.1 and thirteen documents viz., Exs.P1 to Ex.P.13 were marked through her.

6. P.W.1 in her evidence has stated that she is the daughter of the deceased Mrs.Shameem Asgar, who died intestate on 11.02.2018 and petitioners 3,4 and 6 are her brothers and the 5th petitioner, is her sister. 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. Ex.P.1, is the computer generated death certificate of the deceased Mrs.Shameem Asgar. The said certificate shows that the deceased died on 11.02.2018. Ex.P.2, is the photocopy of the Legal Heirship certificate dated /03/2018, in respect to the deceased Mrs.Shameem Asgar. Ex.P.3 and Ex.P6 are the photocopy of the letters dated 22.01.2019, from HDFC addressed to 1st petitioner asking for succession certificate in respect of shares held by his wife. Ex.P4, Ex.P7 and Ex.P10, are the photocopy of the letters dated 14.01.2019 of 1st

petitioner to The Registrar, Housing Development Finance Corporation, Ramon House, Mumbai, in respect of shares and debentures held by the deceased. Ex.P5

(Series 6 Nos.) are the photocopies of share certificates bearing Nos.00696448, 00696447, 179093, 01006279, 01006280 and 02389500 in HDFC Limited. Ex.P8 (Series 3 Nos.) are the photocopies of share certificates bearing 02355783, 00799957 and 01109789 in HDFC Limited. Ex.P9, is the photocopy of the letter dated 14.03.2019 from Datamatics Business Solutions Limited addressed to 1st petitioner. Ex.P11, is the photocopy of the share certificate in HDFC Bank Limited bearing Certificate No.003007560 held by the deceased. Ex.P12, is the consent affidavit given by the 1st petitioner stating that succession certificate may be granted in favour of petitioners 2 to 5 and as prayed for. Ex.P13, is the copy of the Paper publication effected on 13.02.2020 and none has objected for it.

7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners 2 to 6 herein have succeeded the Estate of the deceased Mrs.Shameem Asgar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession

Certificate to the petitioners 2 to 6 herein 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.

Sd/.R.P.A.J.
09.02.2021

//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.



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