



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

WEDNESDAY, THE 13TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.725 of 2021

In the matter of Indian
Succession Act XXXIX of 1925

and

In the matter of debts and
securities of Syed Ali Ispahani
@ S.A.Ispahani-Deceased
Intestate

1. R.Ispahani,
W/o.Late.Syed Ali Ispahani @ S.A.Ispahani

2. Firuzeh Ispahani,
D/o.Late Syed Ali Ispahani @ S.A.Ispahani

both are residing at
No.177/5, Poonamallee High Road,
Kilpauk, Chennai-600 010

both having office at
Ispahani Centre, 2nd Floor,
No.123, No.124, Nungambakkam High Road,
Nungambakkam, Chennai-600 034.

..Petitioners

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

Succession Certificate may be granted in the name of the 1st Petitioner with



power to collect the securities and to receive the interest and dividends, and 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 Original petition has been filed for grant of succession certificate of the deceased Syed Ali Ispahani @ S.A.Ispahani who died intestate on 23.07.2020 at Chennai.

2. The petitioners 1 & 2 are the wife and daughter of the deceased Syed Ali Ispahani @ S.A.Ispahani and the parents of the deceased predeceased him. The petitioners who are the only legal heirs of the deceased have filed this petition for grant of succession certificate to the first petitioner. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition.

3. The first petitioner has deposed as PW1 and filed her proof affidavit, before the learned Master in support of this petition for grant of succession certificate. Before the learned Master, the following documents were marked as Exhibits:



<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of Syed Ali Ispahani @ S.A.Ispahani
P2	Computer generated legal heirship certificate dated 04.09.2020 in respect of Syed Ali Ispahani @ S.A.Ispahani
P3	Photocopy of the fixed deposit receipt bearing SR.No.349407, standing in the name of Syed Ali Ispahani issued by HDFC Bank.
P4	Photocopy of the fixed deposit receipt bearing SR.No.451297 standing in the name of Syed Ali Ispahani issued by HDFC Bank
P5	Photocopy of the fixed deposit receipt bearing receipt No.2014/NDRT 0089164 standing in the name of Syed Ali Ispahani issued by Indian Overseas Bank
P6	Original statement of account for the account No.0431101012603 maintained jointly by Shah Sultan and Ali Ispahani along with the original letter dated 02.06.2020 issued by Canara Bank
P7	Original statement of account for the account No.0431101025384 maintained by Ali Ispahani along with the original letter dated 02.06.2020 issued by Canara Bank
P8	Photocopy of the bank passbook for account No.12081000011043 maintained by Syed Ali Ispahani with HDFC Bank Limited.
P9	Photocopy of the bank passbook for account No.00821000128173 maintained by Syed Ali Ispahani with HDFC Bank Limited
P10	Online copy of the summary of account as on 30.06.2020 in respect of account No.006501113695 maintained by Syed Ali Ispahani with ICICI Bank
P11	Photocopy of the bank passbook for account No.469833734 maintained by S.A.Ispahani with Indian Bank
P12	Photocopy of the bank passbook for account No.416480825 maintained jointly by Begum S and Ispahani S with Indian Bank
P13	Photocopy of the bank passbook for account No.018301000011601 maintained by S.A.Ispahani and R.Ispahani with Indian Overseas Bank
P14	Photocopy of the bank passbook for account No.10497586763 maintained jointly by Syed Ali Ispahani and Ranjini Ispahani with State Bank of India



<i>Exhibits</i>	<i>Nature of the documents</i>
P15	Online copy of the account summary as on 03.07.2018 in respect of the account maintained by Syed Ali Ispahani
P16	Copy of paper publication effected in one issue of Tamil daily "Dina malar" dated 09.03.2022.

4. An averment has also been made in the petition that no application has been made to the District Court or delegate or to any High Court for Probate of any Will of the deceased or Letters of Administration with or without the Will annexed to his properties and credits. No application for Succession Certificate in respect of any debts or security belonging to the estate of the deceased has been made to any District Court or delegate or to any High Court.

5. This Court has perused and examined the aforementioned documents. The death certificate of Syed Ali Ispahani @ S.A.Ispahani has been marked as Ex.P1. The legal heirship certificate of Syed Ali Ispahani @ S.A.Ispahani dated 04.09.2020 has been marked as Ex.P2 which shows that the petitioners herein are the only legal heirs of the deceased. Ex.P3 to Ex.P15 reveal that the deceased was holding fixed deposits in HDFC Bank and Indian Overseas Bank and saving accounts in Canara Bank, HDFC Bank, ICICI Bank, Indian Bank, Indian Overseas Bank and State Bank of India, out of which, some are joint accounts. Paper publication has also been effected by the petitioners in one issue of Tamil daily "Dina Malar" on



09.03.2022 which has been marked as Ex.P16.

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6. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioners, this Court is of the considered view that the relief of succession certificate sought for by the petitioners in OP No.725 of 2021 has to be granted in favour of the first petitioner. Accordingly, the Original Petition is allowed. The petitioners are directed to pay the requisite succession duty, if any, before obtaining the Succession Certificate.

Sd/.P.V.J.
13.04.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/29.04.2022

COURT OFFICER(O.S.)

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