



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

MONDAY, THE 21ST DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.631 of 2021

In the matter of Indian
Succession Act XXXIX of
1925

and

In the matter of certain
securities belonging to
Mr.Umedji Poonamchand,
deceased Intestate

1. Mrs.CHAMPI DEVI JVERILALJI KAWAD

W/o.Mr.Jverilalji Kawad,
D/o.Late Mr.Umedji Poonamchand,
No.202-A, Pawapuri Apartment,
A-Wing, Love Lane,
Near Telephone Exchange Mazgaon,
Mumbai,
Maharashtra - 400010.

2. Mrs.TANKI DEVI JAVERILAL OSWAL

W/o.Mr.Javerilal Gopilal Oswal,
D/o.Late Mr.Umedji Poonamchand,
No.126, Prernatirth-2,
Satellite Road,
Near Prernatirth Jain Derasar,
Satelite, Ahmedabad City,
Ambawadi Vistar,
Ahmedabad, Gujarat - 380015.



3. Mrs. VIMALA DEVI

W/o.Mr.Lalit Kumar Jain,
D/o.Late Mr.Umedji Poonamchand,
No.5-9-1107, Flat No.303,
Varun Apartments, King Kothi,
Sher Gate, Nampally,
Hyderabad,
Andhra Pradesh - 500001.

4.Mrs.LALITA DEVI

W/o.Mr.Lalit Kumar,
D/o.Late Mr.Umedji Poonamchand,
No.15-1-52, 1st Floor, F.No.110,
Shukhshanti Apartments,
Feelkhana, Nampally,
Hyderabad,
Begumbazar, Telangana - 500012.

5.Mrs.RAMBHA DEVI PUKHRAJ JAIN

W/o.Late Mr.Pukhraj Jain,
Parashwa Kunj Building,
Flat No.103, 1st Floor, Babulnath,
2nd Cross Lane, Babulnath,
Mumbai Grant Road,
Maharashtra - 400007.

6.Mrs.RANMAL PUKHRAJ JAIN

S/o.Late Mr.Pukhraj Jain,
Parshwa Kunj Building,
Flat No.103, 1st Floor,
Babulnath, 2nd Cross Lane,
Babulnath,
Mumbai Grant Road,
Maharashtra - 400007.

7.Mr. SURESH PUKHRAJ JAIN

S/o.Late Mr.Pukhraj Jain,
No.73, Flat No.6-J,
Shatrunjay Apartment,
Vepery High Road,
Chennai, Tamil Nadu - 600007.



8.Mr. DINESH PUKHRAJ JAIN
S/o.Late Mr.Pukhraj Jain,
F-34, 3rd Floor, Phase-1,
Ashok Vihar, North West Delhi,
Delhi - 110052.

9.Mrs.MANJU DEVI
W/o.Mr.Rakesh Kumar,
D/o.Late Mr.Pukhraj Jain,
No.31, 1st Floor,
Perumal Koil Garden Main Street,
Sowcarpet, Chennai,
Tamil Nadu - 600001.

..Petitioners

Original Petition praying that this Hon'ble Court be pleased that a Succession Certificate may be granted in favour of Seventh Petitioner, Mr.Suresh Pukhraj Jain with power to collect the Securities and interest and dividends thereon 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 by the legal heirs of the deceased Umedji Poonamchand who died on 03.09.2013 at Chennai.



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2. The petitioners 1 to 4 are the daughters of the deceased Umedji Poonamchand and the petitioners 5 to 9 are the legal heirs of the deceased Pukhraj Jain who is the son of the deceased Umedji Poonamchand. The parents of the deceased Umedji Poonamchand predeceased him. The son of the deceased Umedji Poonamchand viz., Pukhraj Jain died on 12.07.2014 and the wife of the deceased Umedji Poonamchand viz., Suva Bai died on 13.07.2020. As the deceased Umedji Poonamchand died intestate, the petitioners have filed this petition for grant of Succession Certificate in favour of the seventh petitioner. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition and its value is Rs.7,94,911.25/-, according to the petitioners.

3. The seventh petitioner has deposed as PW1 and filed his proof affidavit, before the learned Master. In his proof affidavit, he reiterated the contents of the petition filed in support of this petition. 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 Umedji Poonam Chand
P2	Photocopy of Legal Heirship certificate of Umedji Poonam Chand
P3	Photocopy of the death certificate of Pukhraj Poonamchand Jain



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<i>Exhibits</i>	<i>Nature of the documents</i>
P4	Photocopy of the legal heirship certificate of Pukhraj Poonamchand Jain
P5	Computer generated death certificate of Suva Bai
P6	(series 2 Nos) computer generated statement of holdings
P7	(series 18 Nos.) photocopies of the Aadhar Cards and PAN card of the petitioners
P8	Copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 24.11.2021.
P9	Affidavit of assets showing the net value of the estate as Rs.7,94,711.25/-
P10	Consent affidavit given by the 1 st petitioner
P11	Consent affidavit given by the 2 nd petitioner
P12	Consent affidavit given by the 3 rd petitioner
P13	Consent affidavit given by the 4 th petitioner
P14	Consent affidavit given by the 5 th petitioner
P15	Consent affidavit given by the 6 th petitioner
P16	Consent affidavit given by the 8 th petitioner
P17	Consent affidavit given by the 9 th petitioner

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.

6. As seen from the death certificate of Umedji Poonam Chand marked as Ex.P1, he died on 03.09.2013. As seen from the Legal Heirship certificate, dated 01.11.2013 marked as Ex.P2, Pukhraj (deceased), Suva Bai (deceased) and the petitioners 1 to 4 are the only Legal Heirs for the deceased Umedji Poonam Chand. Ex.P3, the death certificate of Pukhraj reveals that he died on 12.07.2014 and the legal heirship certificate of Pukhraj marked as Ex.P4 reveals that the petitioner 5 to 9 are the legal heirs of the deceased Pukhraj. The death certificate of Suva Bai has also been marked as Ex.P5. Ex.P6, the statement of holding dated 25.01.2021 issued by Munoth Financial Services Limited shows that the deceased Umedji Poonam Chand was holding shares in his name. Ex.P7, the series of Aadhar cards and PAN cards of the petitioners have been filed for their identification. Paper publication has also been effected by the petitioners in one issue of Tamil daily “Dina Kural” on 24.11.2021 which has been marked as Ex.P8. Ex.P9, affidavit of assets shows the net value of the estate of the deceased Umedji Poonamchand as Rs.7,94,711.25. Except the seventh petitioner in whose favour the succession certificate is sought for, all other petitioners have given separate consent affidavits which have been marked as Ex.P10 to Ex.P17.



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7. 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.631 of 2021 has to be granted in favour of the seventh 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.
21.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022

SU./28.03.2022

COURT OFFICER(O.S.)

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