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O.P.No.433 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.P.No.433 of 2022

1.K.Sathya
2.K.Aravind
3.K.Aparna
Petitioners

...

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the first petitioner herein in the Securities specified in the schedule hereunder and to receive the interest and dividends, thereon and transfer the securities specified in the schedule hereunder.

For Petitioners : Mr.A.Swaminathan



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ORDER

The petitioners seek the issuance of a succession certificate in respect of the securities described in the schedule to this petition. The petitioners state that Mr.S.Krishnamurthy, who was ordinarily residing at the address specified in the paragraph 3 of the petition, which is within the jurisdiction of this Court, died on 14.01.2019. The first petitioner is the wife of the deceased, the second petitioner is the son and the third petitioner is the daughter. In the petition, it is expressly asserted that the deceased died intestate and that no Will was found in spite of a diligent search for the same.

2. The petitioners adduced evidence by examining the first petitioner as P.W.1. During the course of the examination in chief of P.W.1, Exs.P1 to P8, which are listed at the foot of this order, were exhibited. Ex.P1 discloses that the late Mr.S.Krishnamurthy died on 14.01.2019. Ex.P2 discloses that the three petitioners are the class one legal heirs of the deceased. Paper publication was effected as evidenced by Ex.P8. The original statement of



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holding issued by J.M.Financial Services Limited discloses the securities in respect of which the succession certificate is prayed for (Ex.P3). The consent affidavits of the second and third petitioners are exhibited as Ex.P6 and Ex.P7.

3. Upon taking note of the assertions in the petition and the evidence recorded in support thereof, there is no impediment under the Indian Succession Act or in any other law for the grant of a succession certificate as prayed for.

4. For reasons set out above, this petition is allowed by directing that the succession certificate be issued to the first petitioner in respect of the securities specified in the schedule to the petition. Consequently, the first petitioner shall be entitled to collect the securities, receive interest and dividends thereon and transfer the securities specified in the schedule.

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Index : Yes / No

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Internet : Yes / No

WEB COURT **Petitioner's witness:**

P.W.1 - Mrs.K.Sathya

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.S.Krishnamurthy.
Ex.P2	Computer generated Legal Heirship Certificate of Mr.Krishnamurthy.
Ex.P3	Original statement of holding dated 15.02.2022 issued by the JM Financial Services Limited in respect of the shares held by Mr.S.Krishnamurthy.
Ex.P4	Photocopy of my Aadhaar card (Compared with the original).
Ex.P5	Photocopy of the general power of attorney dated 07.01.2021 executed by the second petitioner in my favour (Compared with the original).
Ex.P6	Consent affidavit given by the second petitioner.
Ex.P7	Consent affidavit given by the third petitioner.
Ex.P8	Copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 30.09.2022.



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