

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

MONDAY, THE 06TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.677 of 2021

In the matter of the Indian Succession
Act, 1925 (Act 39 of 1925)
and
In the matter of securities belonging to
died intestate

1. A.CHRISTOPHER RAVIKUMAR

S/o.Late D.J.Ambrose,
21/3, Mandaveli Street,
Mandavelipakkam,
Chennai - 600 028.

2. FATIMA DEVASUNDARI ALIAS FATIMA ALEXIS

W/o.Alexis Rajakumar,
154/72, 2nd Street,
Secretariat Colony,
Kilpauk, Chennai - 600 010.

3. ISABEL VIJAYAKUMAR

W/o.Late A.Vijayakumar,
No.26/55, 4th Street,
Padmanabha Nagar,
Adyar, Chennai - 600 020.

4. JOSEPH NITHIN SAMUEL

S/o.Late A.Vijayakumar,
No.26/55, 4th Street,
Padmanabha Nagar,
Adyar, Chennai - 600 020.

5. ANNE RUBINA
D/o.Late D.Bertram,
No.26/55, 4th Street,
Padmanabha Nagar,
Adyar, Chennai - 600 020.

..Petitioners

This original petition praying that this Hon'ble court be pleased that a Succession Certificate may be granted to the 1st Petitioner with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedules 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 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that they are the legal heirs of deceased D.J.Ambrose and Late Vasantha Ambrose, who died intestate on 04.11.1994 and 24.04.2014 respectively. The 1st and 2nd petitioners are the son and daughter of Late Vasantha Ambrose, respectively. The 3rd petitioner is the wife of Late A.Vijaykumar, who is the son of Late Vasantha

Ambrose. The 4th petitioner is the son of the Late A.Vijayakumar, who is the son of Vasantha Ambrose. The 5th petitioner is the daughter of Late Sharmila Bertram, who is the daughter of Vasantha Ambrose. The petitioners are the only surviving legal heirs of the deceased Vasantha Ambrose and the petitioners are filing this petition for grant of Succession Certificate in favour of the 1st petitioner.

3. It is further stated that the other than the petitioners, there are no other relatives to succeed the estate as legal heirs. Therefore, each of the petitioners, viz., petitioners 1, 2 and 5 are entitled to equal 1/4th share and petitioners 3 and 4 are entitled to one share together in the estate of the said deceased.

4. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of 1st petitioner with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the petition schedule I and II.

5. In order to prove their case, on behalf of the petitioners, one

Mr.A.Christopher Ravikumar, 1st petitioner herein, is examined as PW.1 and marked Exs.P1 to P16. Ex.P1 is the computer generated death certificate of Vasanth Ambrose. Ex.P2 is the photocopy of the death certificate of D.Joseph Ambrose. Ex.P3 are the photocopies of the share certificates issued by the Reliance Industries Limited standing in the name of Vasantha Ambrose. Ex.P4 is the photocopy of the Legal Heirship certificate of Vasantha Ambrose. Ex.P5 is the photocopy of the Legal Heirship Certificate of D.J.Ambrose. Ex.P6 is the photocopy of the death certificate of A.Vijaykumar. Ex.P7 is the photocopy of the Legal Heirship Certificate of A.Vijayakumar. Ex.P8 is the photocopy of the death certificate of Bertram. Ex.P9 is the photocopy of the death certificate of Sharmila Bertram. Ex.P10 is the photocopy of the Legal Heirship Certificate of Elizabeth Anitha Sharmila. Ex.P11 is the e-mail communications. Ex.P12 is the consent affidavit given by the 2nd petitioner. Ex.P13 is the consent affidavit given by the 3rd petitioner. Ex.P14 is the consent affidavit given by the 4th petitioner. Ex.P15 is the consent affidavit given by the 5th petitioner. Ex.P16 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 15.12.2021.

6. Further, the other petitioners, viz., petitioners 2 to 5 have given consent affidavits expressing no objection for grant of succession certificate

in favour of the 1st petitioner. These consent affidavits are also marked as Exs.P12 to P15.

7. Considering the averments made in the petition and the evidence tendered by PW.1 along the documents marked as Exs.P1 to P16, this Court is satisfied that the petitioners have succeeded the Estate of the deceased D.Joseph Ambrose and Vasantha Ambrose. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule I and II, is issued.

8. Accordingly, the petitioners are entitled for the relief as prayed for and this Original Petition stands allowed.

Sd/.K.R.J.
06.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/15.06.2022

COURT OFFICER(O.S.)

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