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

FRIDAY, THE 11TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.643 of 2021

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of Certain
Securities of Madanchand
Darda – deceased intestate

1. SUNIL M.DARDA
S/o.Madanchand Darda,

2. PUSHPA KAVAR
W/o.Madanchand Darda,

Both residing at No.240-B-Hobby Kiosk,
Kilpauk Garden Road, Kilpauk,
Chennai - 600 010.

..Petitioners

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 the securities and to receive the 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

<https://hcservices.ecourts.gov.in/hcservices/>

the court made the following order:



WEB COPY This Original petition has been filed for grant of succession certificate by the legal heirs of the deceased Madanchand Darda who died on 30.11.2019 at Chennai.

2. The first petitioner is the son and the second petitioner is the wife of the deceased Madanchand Darda. As the deceased Madanchand Darda died intestate, the petitioners who are the only legal heirs of the deceased have filed this application for grant of Succession Certificate in favour of the first 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.5,25,000/-, according to the petitioners.

3. The first petitioner who is the son of the deceased has deposed as PW1, 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	Death certificate of Madancand Darda
P2	Legal Heirship Certificate dated 06.06.2020 in respect of Madanchand Darda
P3	Photocopy of the 1 st petitioner's Aadhaar card
P4	Original letter dated 20.04.2021 sent to the first petitioner by Kfin Technologies Private Limited



<i>Exhibits</i>	<i>Nature of the documents</i>
P5	Email communications dated 02.05.2020 and 04.05.2020.
P6	Consent affidavit given by the second petitioner
P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 09.12.2021.

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. As seen from the death certificate marked as Ex.P1, Madanchand Darda, died on 30.11.2019 and he was aged 78 years at the time of his death. As seen from the Legal Heirship certificate, dated 06.06.2020 marked as Ex.P2, the petitioners are the only Legal Heirs for Madanchand Darda. Ex.P3 is the Aadhar card of the first petitioner. Ex.P4 is the letter dated 29.04.2021 sent to the first petitioner by Kfin Technologies Private Limited, describing the procedure for transmission of shares from the deceased Madanchand Darda. Ex.P6 is the consent affidavit



certificate in favour of the first petitioner. Paper publication has also been effected by the petitioners in one issue of Tamil daily “Makkal Kural” on 09.12.2021 which has been marked as Ex.P7.

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.643 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.
11.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./15.02.2022

COURT OFFICER(O.S.)

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