



O.P.No.377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.12.2022**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.377 of 2022

1.V.Nirmala
2.V.Vedha Vignesh
3.R.Anu Radha
4.V.Jamuna
Petitioners

...

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, XXXIX of 1925 R/W Order XXV Rule 6 of the High Court Original Side Rules, prays that a Succession Certificate may be granted to the first petitioner namely V.Nirmala with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule hereunder.

For Petitioners : Mr.B.Leelesh Subdaram



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ORDER

WEB COPY The petitioners seek the issuance of a succession certificate to the first petitioner in relation to the securities described in the schedule to the petition.

2. The petitioners state that the husband of the first petitioner, Mr.J.Venkatesan, died intestate on 28.10.2020 at Apollo Hospital, Chennai, and that he ordinarily resided at the address specified in paragraph 2 of the petition, which is within the jurisdiction of this Court. The second, third and fourth petitioners are the children of the first petitioner and the deceased J.Venkatesan.

3. In order to establish the claim, the first petitioner was examined as P.W.1. In course of the examination in chief of P.W.1, the 11 documents listed at the foot of this order, were exhibited as Exs.P1 to P11. These documents include the death certificate of J.Venkatesan (Ex.P2), the legal heirship certificate of J.Venkatesan (Ex.P1), the Aadhaar cards of all the four petitioners (Exs.P3 to P7), the consent affidavits of the second, third



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and fourth petitioners (Exs.P8 to P10) and the paper publication effected in one issue of the Tamil daily "Makkal Kural" on 07.10.2022 (Ex.P11). The legal heirship certificate discloses that the legal heirs of the late J.Venkatesan are the four petitioners herein. In paragraph 4 of the petition, it is expressly stated that the mother of the deceased pre-deceased him. It is also asserted in paragraph 5 of the petition that the deceased died intestate and that no Will was found in spite of the diligent search for the same.

4. Based on the assertions in the petition and the evidence recorded to prove the same, the petitioners are entitled to succeed.

5. Accordingly, O.P.No.377 of 2022 is allowed by granting the succession certificate to the first petitioner, V.Nirmala, with the power to collect the securities described in the schedule to the petition, receive interest and dividends thereon and negotiate and transfer such securities.

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Index : Yes / No

Internet : Yes / No

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Petitioner's witness:

P.W.1 - Mrs.V.Nirmala

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated Legal Heirship certificate of J.Venkatesan.
Ex.P2	Computer generated death certificate of J.Venkatesan.
Ex.P3	Photocopy of my Aadhaar card. (Compared with the original)
Ex.P4	Photocopy of the Aadhaar card of the second petitioner. (Compared with the original)
Ex.P5	Photocopy of the Aadhaar card of the third petitioner. (Compared with the original)
Ex.P6	Photocopy of the Aadhaar card of the fourth petitioner. (Compared with the original)
Ex.P7	Online printout of statement of holding as on 21.12.2021 issued by the Canara Bank Securities Limited bearing DP ID No.IN301356 in respect of Mr.J.Venkatesan.
Ex.P8	Consent affidavit given by the second petitioner.
Ex.P9	Consent affidavit given by the third petitioner.
Ex.P10	Consent affidavit given by the fourth petitioner.
Ex.P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 07.10.2022.



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