

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

WEDNESDAY, THE 12TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.543 of 2021

In the matter of Indian
Succession Act XXXIX of 1925
and
In the matter of certain securities and
debts of Lila Javhermal Shahaney –
deceased Intestate

SUNITA SHAHANAY
W/o.Shahaney RJ,
The Park Residences,
Apt H3 22, Vellaiyan Road,
Kotturpuram, Chennai – 85.

..Petitioner

Original Petition praying that this Hon'ble Court be pleased that a succession certificate may be granted in the name of the Petitioner with power to collect the debts and Securities and to receive the interest and dividends on 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 petition has been filed for grant of Succession Certificate. The petitioner is the sister-in-law i.e, brother's wife of the deceased Lila Javhermal Shahaney, who died on 18.12.2020 as a spinster leaving behind the securities more fully described in the schedule to the petition.

2. The petitioner claims that she is alone entitled to succeed to the securities left behind by the deceased Lila Javhermal Shahaney.

3. Before the Learned Master, the petitioner has been examined as a witness (P.W.1). In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.543 of 2021. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Computer generated death certificate of Lila Javhermal Shahaney, who died on 18.12.2020.
Ex.P-2	Computer generated death certificate of Shahaney R.J., who died on 08.09.2020.
Ex.P-3	Computer generated Legal Heirship certificate dated 08.10.2020 in respect of Shahaney R.J.
Ex.P-4	Photocopy of the Intimation letter dated 04.11.2020 of Lila J Shahaney to the Branch Manager, Standard Chartered Bank, Chennai.
Ex.P-5	Photocopy of the Aadhaar card of Lila Javhermal Shahaney, bearing No.3096 3226 6072.
Ex.P-6	Computer generated share certificate standing in the

<i>Exhibits</i>	<i>Nature of the document</i>
	name of Lila Javhermal Shahaney bearing ISIN No.INE872B01020.
Ex.P-7	Computer generated account statement for the year 2019-2020 of the Joint SB Accounts of Lila J Shahaney in IndusInd Bank.
Ex.P-8	E-mail reflecting the account balance of the Joint SB accounts of Lila J Shahaney in IndusInd Bank.
Ex.P-9	Series 4 Nos are the photocopies of the Joint Fixed Deposit Certificates standing in the name of Lila J Shahaney in IndusInd Bank.
Ex.P-10	Photocopy of the Account Statement from July 2020 - December 2020 of the Joint SB account in Standard Chartered Bank.
Ex.P-11	Series 2 Nos are the photocopies of the two joint FD confirmation letter standing in the name of Lila J Shahaney in Standard Chartered Bank dated 14.02.2019.
Ex.P-12	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 21.10.2021.

4. As seen from the evidence available on record, Lila Javhermal Shahaney died on 18.12.2020, as seen from her death certificate, which has been marked as Ex.P1. The only brother of Lila Javhermal Shahaney, who died as a spinster, is Shahaney R.J., and he died on 08.09.2020, as seen from his death certificate, which has been marked as Ex.P2. The Legal Heirship certificate of Shahaney R.J dated 08.10.2020 confirms that the petitioner, who is his wife, is the only legal heir and the said Legal Heirship certificate has been marked as Ex.P3.

5. From Exs. P.1, P.2 and P.3, it is clear that the petitioner is the only

class-II legal heir entitled to inherit the securities standing in the name of the deceased Lila Javhermal Shahaney, which is more fully described in the schedule to the petition filed in support of O.P.No.543 of 2021. Since the companies in which the securities standing in the name of the deceased have insisted for a succession certificate, the petitioner has approached this Court seeking for grant of succession certificate. The details of the securities mentioned in the schedule to the petition have been confirmed through Exs.P4, P5, P6, P7, P8, P9, P10 and P11. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 21.10.2021 with regard to O.P.No.543 of 2021, which has been marked as Ex.P12.

6. 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.

7. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioner, this

Court is of the considered view that the petitioner is entitled for the grant of succession certificate in respect of Lila Javhermal Shahaney and the relief of succession certificate sought for by the petitioner in OP No.543 of 2021 has to be granted. Accordingly, the Original Petition is allowed.

Sd/.A.Q.J.
12.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./24.01.2022

COURT OFFICER(O.S.)

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