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O.P.No.519 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 10.02.2022**

**CORAM:**

**THE HON'BLE Mr. JUSTICE P.VELMURUGAN**

**O.P.No.519 of 2021**

V.K.Seshadri

... Petitioner

**Prayer:**Original Petition is filed under Section 372 of the Indian Succession Act, 1925, read with Oder XXV, Rule 6 of the Original Side Rules, to grant succession certificate to the petitioner herein, with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioner : Mr.P.Palaniandy

**ORDER**

This Original Petition has been filed by the petitioner praying to grant succession certificate with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule hereto.



O.P.No.519 of 2021

2. According to the petitioner, his son Mr.S.Srivathsa Balaji died on 29.12.2019 as a Bachelor. Mother of the deceased Mrs.Sulochana Seshadri also died on 12.06.2011. Petitioner is the only legal heir. He also produced legal heirship certificate, which clearly shows that the petitioner is the only legal heir of S.Srivathsa Balaji. The petitioner was examined as P.W.1. He has filed proof affidavit in respect of chief examination. There is no respondent in this original petition.

3. After completing all the formalities, the matter was referred to the Master for recording evidence and the petitioner had tendered evidence as P.W.1 and marked Exs.P1 to P6. Ex.P1 is the death certificate of Sulochana Seshadri. Ex.P2 is the legal heirship certificate dated 13.09.2012 in respect of Sulochana Seshadri. Ex.P3 is the death certificate of S.Srivathsa Balaji. Ex.P4 is the legal heirship certificate dated 14.08.2020 in respect of Srivathsa Balaji. Ex.P5 is the original statement of holding of S.Srivathsa Balaji as on 16.04.2021 issued by ICICI Bank Limited. Ex.P6 is the copy of paper publication.



O.P.No.519 of 2021

4. Considering the evidence of P.W.1 and the documents marked as Exs.P1 to P6, it is found that the petitioner has made out a case for the issuance of the succession certificate in his favour *qua* the securities held by the deceased Mr.S.Srivathsa Balaji as described in the schedule to the petition. In such view of the matter, it is found that there is no impediment to grant the succession certificate in favour of the petitioner as prayed for.

5. For the reasons aforestated, the succession certificate is directed to be granted to the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule hereto and accordingly, the Original Petition stands allowed. The petitioner is directed to pay the requisite Succession duty, if already not paid, before obtaining the Succession Certificate.

**10.02.2022**

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Index:yes/No

**P.VELMURUGAN, J.**

3/4



WEB COPY



O.P.No.519 of 2021

mfa

**O.P.No.519 of 2021**

**10.02.2022**