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

MONDAY, THE 14TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.591 of 2021

In the matter of Indian
Succession Act, XXXIX of
1925
and
In the matter of Securities of
the Akbar A.Vadnagarwala –
died intestate

Mr.KHOZAIM A VADNAGARWALA
S/o.Late Akbar A Vadnagarwala,
No.7 and 9, Perianna Maistry Street,
Chennai - 600 001.

..Petitioner

-Vs-

1. Mrs. DURRIYA AKBAR VADNAGARWALA
W/o.Late Akbar A Vadnagarwala,
No.7 and 9, Perianna Maistry Street,
Chennai - 600 001.

2.Mrs. ZAINAB S.MANDALAYWALA
D/o.Late Akbar A Vadnagarwala,
W/o.Shabbir Mandalaywala,
No.50/103, Armenian Street,
Chennai - 600 001.

..Respondents

<https://hcservices.ecourts.gov.in/hcservices/> Original Petition praying that this Hon'ble Court be pleased that a

Succession Certificate may be granted to him with power to collect the



securities and to receive 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 Original petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, to grant succession certificate in favour of the petitioner.

2. In the petition, it is stated that the deceased Akbar A Vadnagarwala, ordinarily resided at No.7 & 9, Perianna Maistry Street, Abbas Mansion, Chennai 600 001 died on 20.04.2016 and left the properties within the jurisdiction of this Court. The deceased died intestate and that due and diligent search has been made for a Will, none has been found. The deceased at the time of his death left behind the petitioner/son, 1st respondent/wife and 2nd respondent/daughter as his Class-I legal heirs. The parents of the deceased predeceased him. The petitioner and respondents are the legal heirs of the deceased, who claim to be entitled equal share in the debts of the deceased. The succession certificate is required for the purpose of transfer of the securities and to receive interest and dividends on



of Rs.29,29,695/-.

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3. Before the learned Master, the 1st petitioner examined himself as P.W.1 and filed proof affidavit and also marked the following documents viz., Exs.P1 to P14:

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated Death certificate of Akbar.A.Vadnagarwala
P2	Photocopy of Legal Heirship Certificate of Akbar A Vadnagarwala
P3	Photocopies of the share certificates issued by Gujarat Alkalies And Chemicals Limited standing in the name of Akberi A Vadnagarwala
P4	Photocopy of the share certificate bearing certificate No.11123 issued by Alembic Pharmaceuticals Limited standing in the name of Akbari A Vadnagarwala
P5	Photocopies of the share certificates issued by Dabur India Limited standing in the name of Akberi A Vadnagarwala
P6	Photocopy of the letter dated 23.02.2021 addressed to the petitioner by Link Intime India Private Limited stating that 1290 shares in Alembic Pharmaceuticals Limited held by my deceased father Akbari A Vadnagarwala
P7	Photocopy of the letter dated 22.02.2021 addressed to the petitioner by Link Intime India Private Limited stating that 1850 shares in Gujarat Alkalies And Chemicals Limited held by my deceased father Akbari A Vadnagarwala
P8	Photocopy of the letter dated 08.02.2021 addressed to the petitioner by KFin Technologies Private Limited in respect of the shares held by my father in Dabur India Limited.
P9	Photocopy of the name self declaration sent by the petitioner to the Link Intime India Limited in respect of Gujarat Alkalies & Chemicals Limited Shares (The original of the said document has been said to be sent to the company for change of name of the witness's deceased father. Admissibility and evidentiary value of this document will be decided later).
P10	Photocopy of the name self declaration sent by the petitioner to the Kfin Technologies Private Limited in respect of Dabur India Limited shares (The original of the said document has been said to be sent to the company for change of name of the witness's deceased father. Admissibility and evidentiary value of this



<i>Exhibits</i>	<i>Nature of the documents</i>
	document will be decided later).
P11	Photocopy of the name self declaration sent by the petitioner to the Link Intime India Limited in respect of Alembic Pharmaceuticals Limited shares (The original of the said document has been said to be sent to the company for change of name of the witness's deceased father. Admissibility and evidentiary value of his documents will be decided later.)
P12	Consent affidavit given by 1 st respondent
P13	Consent affidavit given by 2 nd respondent
P14	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 02.02.2022.

4.The respondents 1 and 2 have no objection for granting Succession Certificate in favour of the petitioner and they have also given consent affidavit to that effect, which are marked as Exs.P12 and P13.

5. From the evidence available on record, it is clear that Akbar A Vадnagarwala died on 20.04.2016 at No.7 & 9, Perianna Maistry Street, Abbas Mansion, Chennai 600 001, leaving behind the petitioner and respondents as his surviving legal heirs. To prove the same Ex.P1/Death Certificate of deceased, Ex.P2/Legal Heirship certificate were marked.

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



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, I am satisfied that the petitioner have succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities as specified in the schedule, is issued.

Sd/.P.V.J.
14.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

Su/24.3.2022

COURT OFFICER(O.S.)

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