



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

THURSDAY, THE 10TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P. No.641 of 2021

In the matter of Indian Succession
Act, XXXIX of 1925
and
In the matter of Securities of S.Asha
(deceased Intestate)

1. N.R.SURESH KUMAR
S/o.Late Nambi Reddiar

2. S.RUSHIL
S/o.N.R.Suresh Kumar,
Both are residing at New No.38/5,
(Old No.24/5), Roopam Apartments,
Sarojini Street, T.Nagar,
Chennai - 600 017.

..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 on and
negotiate and transfer the securities specified in the schedule in the petition.

<https://hcservices.ecourts.gov.in/hcservices/> This Original Petition coming on this day before this court for
hearing, the court made the following order:



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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 petitioners.

2. In the petition, it is stated that the deceased S.Asha, ordinarily resided at New No.38/5, (Old No.24/5), Roopam Apartments, Sarojini Street, T.Nagar, Chennai 600 017 and died on 25.07.2011 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, but none has been found. The deceased is the wife of the first petitioner and mother of the second petitioner. The deceased at the time of his death left behind the petitioners as her surviving legal heirs. The petitioners are the legal heirs of the deceased, who claims to be entitled equal share in the estate of the deceased. The succession certificate is required for the purpose of collecting securities and to receive the interest and dividends on and negotiate and transfer the shares specified in the schedule for the value of Rs.9,40,234/-.

3. It is further stated that the second petitioner has no objection for granting Succession Certificate in favour of the first petitioner and he has given consent affidavit to that effect.



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4. 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 P7 :

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated Death certificate of S.Asha
P2	Photocopy of Legal Heirship Certificate dated 04.02.2013 for S.Asha
P3	Photo copy of Aadhar card of the 1 st petitioner.
P4	Photo copy of Aadhar card of the 2 nd petitioner.
P5 (series 4 Nos.)	Photocopies of the share certificates issued by Reliance Industries Limited, standing in the name of S.Asha.
P6	Consent affidavit given by the 2 nd petitioner.
P7	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 02.02.2022.

5. From the evidence available on record, it is clear that S.Asha died on 25.07.2011 at New No.38/5, (Old No.24/5), Roopam Apartments, Sarojini Street, T.Nagar, Chennai 600 017, leaving behind the petitioners as her surviving legal heirs. To prove the same Ex.P1/Death Certificate and Ex.P2/Legal Heirship Certificate were marked. Ex.P5 Photocopies of the share certificates issued by Reliance Industries Limited reveals that the share certificates are standing in the name of the deceased. Ex.P6 consent affidavit given by the 2nd petitioner.



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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 her 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 petitioners, I am satisfied that the 1st petitioner has succeeded the Estate of the deceased. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate to the 1st 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.
10.03.2022

//Certified to be a true copy//
Dated at Madras this the day of 2022.

su.25.3.2022

COURT OFFICER(O.S.)

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