



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

FRIDAY, THE 25TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.843 of 2019

In the matter of Indian
Succession Act XXXIX of 1925

and

In the matter of certain securities in
respect of Pukhraj Gamnaji – deceased
intestate

ASHOK KUMAR P JAIN
S/o.Sha Pukhraj Gamnaji,
No.27/14, Ayaloor Muthaiah Street,
Kondithope,
Chennai-600079.

..Petitioner

-Vs-

GAJIBAI P.JAIN
W/o.Sha Pukhraj Gamnaji
No.27/14, Ayaloor, Muthaiah Street,
Kondithope,
Chennai-600079.

..Respondent

Original petition praying that this Hon'ble Court be pleased that a certificate may be granted to him under Part X of the Succession Act, 1925, 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.



The Original Petition coming on this day before this court for hearing, the court made the following order:

This Original petition has been filed by the petitioner for grant of succession certificate.

2. The petitioner is the son and the respondent is the wife of the deceased Sha Pukhraj Gamnaji who died intestate on 28.07.2006. The petitioner has filed this petition for grant of succession certificate and the respondent who is wife of the deceased has given consent for grant of succession certificate in favour of the petitioner. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition and its value is Rs.8,71,204/- according to the petitioner.

3. The petitioner who is the son of the deceased Sha Pukhraj Gamnaji, has deposed as PW1 before the learned Master in support of this petition for grant of succession certificate. Before the learned Master, the following documents were marked as Exhibits.



Exhibits	Nature of the documents
P1	The original death certificate of Sha.Pukaraj
P2	Photocopy of the Legal Heirship certificate of Sha Pukhraj Gamnaji
P3	Photocopy of PW.1's Aadhar card
P4	Photocopy of PW.1's Family Card
P5	Photocopy of the share certificate bearing certificate No.51672788 issued by Reliance Industries Limited standing in the name of Sha Pukaraj Gamanaji
P6	Photocopy of the share certificate bearing certificate No.51672787 issued by Reliance Industries Limited standing in the name of Sha Pukaraj Gamanaji
P7	Photocopy of the share certificate bearing certificate No.51672786 issued by Reliance Industries Limited standing in the name of Sha Pukaraj Gamanaji
P8	Photocopy of the share certificate bearing certificate No.56346085 issued by Reliance Industries Limited standing in the name Sha Pukaraj Gamanaji
P9	Photocopy of the share certificate bearing certificate No.57839070 issued by Reliance Industries Limited standing in the name of Sha Pukaraj Gamnaji
P10	Photocopy of the share certificate bearing certificate No.62133181 issued by Reliance Industries Limited standing in the name of Sha Pukhraj Gamnaji
P11	Photocopy of the share certificate bearing certificate No.62543065 issued by Reliance Industries Limited standing in the name of Sha Pukaraj Gamanaji
P12	Photocopy of the share certificate bearing certificate No.003078882 issued by HDFC Bank Limited standing in the name of Sha Pukhraj Gamanagi
P13	The consent affidavit given by the respondent
P14	Copy of paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 02.03.2020



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4. An averment has also been made in the petition that no application has been made to any District Court or delegate or to any High Court for probate of any Will for the deceased or for Letters of Administration with or without the Will annexed to this properties and credits and no application for succession certificate in respect of any debts or security belonging to the estate of the deceased Sha Pukhraj Gamnaji has been made.

5. This Court has perused and examined the aforementioned documents. The petitioner was examined as P.W.1 by filing proof affidavit and 14 documents were marked. As seen from the copy of death certificate marked as Ex.P1, Sha Pukhraj Gamnaji died on 28.07.2006 and as seen from the photocopy of Legal Heirship certificate, marked as Ex.P2, the petitioner and the respondent are the only Legal Heirs of the deceased Sha Pukhraj Gamnaji. Ex.P3 is the photocopy of the Aadhaar card of the petitioner/PW.1 and Ex.P.4 is the Photocopy of the Family Card of the petitioner/PW.1. Exs.P.5 to P12 are the photocopies of the share certificates issued by Reliance Industries Limited and HDFC Bank Limited standing in the name of the deceased Sha Pukhraj Gamnaji. Ex.P13 is the consent affidavit given by the respondent in favour of the petitioner. The paper Publication has



which has been marked as Ex.P14.

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6. 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 deceased died leaving behind the petitioner and the respondent who are his only legal heirs and as per the documents Ex.P.5 to Ex.P.12, there are certain dues to the deceased Sha Pukhraj Gamnaji from Reliance Industries Limited and HDFC Bank Limited where the deceased was having shares in his name. Therefore, the relief of succession certificate sought for by the petitioner in OP No.843 of 2019 has to be granted in favour of the petitioner. Accordingly, the Original Petition is allowed.

7. Registry is directed to issue succession certificate if the succession duty already paid or otherwise Registry is directed to recover the succession duty from the petitioner for issuance of succession certificate.

Sd/.P.V.J.
25.02.2022

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

SU/03.03.2022

COURT OFFICER(O.S.)

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