



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

WEDNESDAY, THE 19TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.No.4235 of 2021
in
O.P.No.381 of 1996

In the matter of the Indian
Succession Act 1925
and
In the matter of the debts
belonging to the deceased
S.R.Mothi

1. Tmt.S.M.Prema,
2. Mr.S.M.Kumaresan
3. Mr.S.M.Sridhar
4. Mr.S.M.Ravichandran
5. Selvi S.M.Vijayalakshmi
6. Selvi S.M.Priya

..Petitioners

A.No.4235 of 2021:

S.M.PREMA (DIED)

.. died/1st Petitioner

1. MR.S.M.KUMARESAN
S/o.Late S.R.Mothi,
No.1711, Vasantham Colony,
Anna Nagar West,
Chennai-600 040.



2. MR.S.M.SRIDHAR

S/o.Late S.R.Mothi,
No.1848, Vasantham Colony,
Anna Nagar West,
Chennai - 600 040.

3. MR.S.M.RAVICHANDRAN

S/o.Late S.R.Mothi,
No.1711, Vasantham Colony,
Anna Nagar West,
Chennai - 600 040.

4. MRS.K.K.VIJAYALAKSHMI

D/o.Late S.R.Mothi
and W/o.K.G.Kannan,
1131, TNHB Colony,
Sitalapakkam,
Chennai - 600 126.

5. MRS.G.S.PRIYA

D/o.Late S.R.Mothi
and W/o.G.R.Sivakumar,
AH259/1, 7th Main Road,
Anna Nagar West,
Chennai - 600 040.

..Applicants/Petitioners 2 to 6

Application praying that this Hon'ble Court be pleased to issue an order of extension of the Succession Certificate granted by this Hon'ble Court in O.P.No.381 of 1996 on 12/08/1996 to these applicants/petitioners 2 to 6 to transfer the securities in their names, which are specified in the schedule in the petition.

This Application coming on this day before this court for hearing the



This application has been filed seeking to extend the order of Succession certificate granted by this Court on 12.08.1996 in O.P.No.381 of 1996 to the securities mentioned in the Schedule to the application filed in support of A.No. 4235 of 2021 in O.P.No. 381 of 1996.

2. By order dated 12.08.1996, the petitioners in O.P.No. 381 of 1996 were granted succession certificate by this Court in respect of the securities held by the deceased S.R.Mothi. The first petitioner in O.P.No. 381 of 1996 is the wife and the remaining five petitioners are the children of the deceased S.R.Mothi.

3. This application has been filed seeking to extend the succession certificate for the securities mentioned in the schedule to this application as according to the applicants, the securities mentioned in the schedule to the application came to the knowledge of the applicants only recently that they were also held in the name of the deceased S.R.Mothi.

4. After obtaining the succession certificate on 12.08.1996 in O.P.No. 381 of 1996, the first petitioner in O.P.No. 381 of 1996, who is the wife of the deceased S.R.Mothi died intestate at Chennai on 10.01.2009

leaving behind the applicants as her only legal heirs. The applicants, who



are the legal heirs of the deceased S.R.Mothi as well as the deceased S.M.Prema, have filed this application under Section 376 of the Indian Succession Act, 1925 seeking for an extension of the succession certificate granted by this Court in O.P.No. 381 of 1996 of 12.08.1996 to the securities more fully mentioned in the schedule to this application also.

5. Before the Learned Master, the third applicant, who is also the third petitioner in O.P.No. 381 of 1996 and the son of the deceased S.R.Mothi, has been examined as a witness (P.W.1). Through P.W.1, the following documents were marked as exhibits:-

Exhibits	Nature of the documents
Ex.A1	Photocopy of the death certificate of S.R.Mothi, who died on 21.08.1995.
Ex.A2	Photocopy of the Order dated 12.08.1996 passed in O.P.No. 381 of 1996 by Hon'ble High Court, Madras.
Ex.A3	Computer generated death certificate of S.M.Prema, who died on 10.01.2009.
Ex.A4	Series 11 Nos. are the photocopies of the share certificates standing in the name of S.R.Mothi issued by Shriram Transport Finance Company Limited.
Ex.A5	The E-mail communication dated 30.07.2021.

6. The details of the securities, which were left out under the earlier order dated 12.08.1996 passed in O.P.No. 381 of 1996 are also disclosed in

Ex.A4 and Ex.A5. The death certificate of S.R.Mothi has been marked as



Ex.A1, which confirms that he died on 21.08.1995 and the death certificate of S.M.Prema has also been marked as Ex.A3, which confirms that she died on 10.01.2009 and the order dated 12.08.1996 passed in O.P.No.381 of 1996 by this Court has been marked as Ex.A2.

7. After giving due consideration to the pleadings and the evidence available on record, this Court is inclined to grant the relief as prayed for in A.No.4235 of 2021 by extending the order of the succession certificate granted by this Court on 12.08.1996 in O.P.No.381 of 1996 in favour of the applicants in respect of the securities mentioned in the schedule to this application also.

8. In the result, this application is allowed as prayed for.

Sd/.A.Q.J.
19.01.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./21.01.2022/25.3.2022

COURT OFFICER(O.S.)

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