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O.P.No.425 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR  
RAMAMOORTHY**

**O.P.No.425 of 2022**

1.M.Tarakanwar  
2.M.Ramesh Kumar Kankaria  
3.M.Prakash Kankaria  
4.M.Subhash Kankaria  
5.Dilkush  
6.Mallikumari

... Petitioners

**PRAYER:** Original Petition filed under Section 372 of Indian Succession Act, 1925 r/w Order XXV, Rule 6 of O.S.Rules, 1956, to issue the Succession Certificate in the name of the first petitioner i.e. Tarakanwar with power to collect the Securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule hereto.



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For Petitioners : Mr.M.Chandru

### **ORDER**

The petitioners seek issuance of a Succession Certificate in favour of the first petitioner in relation to the securities described in the schedule to the petition.

2. The petitioners state that the succession certificate is prayed for in relation to the assets of the late Mr.M.Mahaveer Chand Jain, who died on 30.08.1990 at the address specified in para No.1 of the petition.

3. The first petitioner is the wife of the deceased and the remaining five petitioners are the children of the deceased.

4. The petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination in chief of PW1, the 10 documents listed at the foot of this order were exhibited as Exs.P1 to P10.



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5. The death certificate of the deceased discloses that he died on 30.08.1990. The said document also indicates the place of death and place of residence. The legal heirship certificate is on record (Ex.P2). This documents contains the names of the six petitioners, who are the Class-I legal heirs of the deceased. The Aadhaar Card of all these petitioners were exhibited as proof of identity and residence identified as Exs.P4 to P9.

6. In relation to the relevant securities, a communication from the Company in relation to the grant of interim dividends is enclosed (Ex.P3). Paper Publication was effected in one issue of Tamil Daily “Makkal Kural” (Ex.P10).

7. On the basis of the assertions in the petition and the evidence recorded in support of the same, the petitioners are entitled to succeed. Accordingly, OP.No.425 of 2022 is allowed by granting the Succession Certificate to the first petitioner in respect of the securities described in the schedule to the petition. Consequently, the first petitioner is



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entitled to collect the securities and to receive interest and dividends and negotiate and transfer the same.

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Index : Yes / No

Internet : Yes /No

**Petitioner's witness:**

P.W.1 – Mrs.M.Tarakanwar

**Documents exhibited by the petitioners:**

| <i><b>Exhibit<br/>Nos.</b></i> | <i><b>Description</b></i>                                                                                                                                                   |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                          | The computer generated death certificate of M.Mahaveera Chandjai Kankarria.                                                                                                 |
| Ex.P2                          | The photocopy of the Legal heir ship Certificate of M.Mahaveera Chandjai Kankarria (Compared with the original)                                                             |
| Ex.P3                          | The photocopy of the Dividend Warrant of Hindustan Unilever Limited bearing No.15415004 in respect of the shares held by M.Mahaveer Chand Jain (Compared with the original) |
| Ex.P4                          | The photocopy of my Aadhaar card (Compared with the original)                                                                                                               |
| Ex.P5                          | The photocopy of my Aadhaar card of the 2 <sup>nd</sup> petitioner (Compared with the original)                                                                             |



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| <b><i>Exhibit<br/>Nos.</i></b> | <b><i>Description</i></b>                                                                              |
|--------------------------------|--------------------------------------------------------------------------------------------------------|
| Ex.P6                          | The photocopy of my Aadhaar card of the 3 <sup>rd</sup> petitioner<br>(Compared with the original)     |
| Ex.P7                          | The photocopy of my Aadhaar card of the 4 <sup>th</sup> petitioner<br>(Compared with the original)     |
| Ex.P8                          | The photocopy of my Aadhaar card of the 5 <sup>th</sup> petitioner<br>(Compared with the original)     |
| Ex.P9                          | The photocopy of my Aadhaar card of the 6 <sup>th</sup> petitioner<br>(Compared with the original)     |
| Ex.P10                         | The copy of paper publication effected in one issue of Tamil<br>daily “Makkal Kural” dated 29.09.2022. |

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**SENTHILKUMAR RAMAMOORTHY,J**

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