

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

MONDAY, THE 06TH DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

O.P.No.823 of 2021

In the matter of Indian Succession
Act, XXXIX of 1925

and

In the matter of Certain Securities
of Mr.Binod Kumar Agarwal –
deceased intestate

1. SHARDA DEVI AGARWAL,
W/o.Binod Kumar Agarwal,

2. AKASH KUMAR AGARWAL
S/o.Binod Kumar Agarwal,

3. AYUSH KUMAR AGARWAL
S/o.Binod Kumar Agarwal,

4. SAVITRI DEVI AGARWAL
M/o.Binod Kumar Agarwal,

All residing at Flat No.5A, 5th Floor,
Palace Regency Apartments,
80-93, Purasawalkam High Road,
Kellys,
Chennai - 600 010.

..Petitioners

This 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 thereon 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 Petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. It is the case of the petitioners that they are the legal heirs of deceased Binod Kumar Agarwal, who died intestate on 01.04.2017 and they are entitled equally to inherit his estate which is mentioned in the petition schedule, valued approximately at Rs.64,91,444.88/-. It is further stated that the other than the petitioners, there are no other relatives to succeed the estate as legal heirs. The petitioners 2 to 4 have expressed no objection to take away the entire estate by the 1st petitioner.

3. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made to any District Court or delegate or to any High Court. Hence, the petitioners have approached this Court for grant of succession certificate in favour of 1st petitioner with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the petition schedule.

4. In order to prove their case, on behalf of the petitioners, one Mrs.Sharda Devi Agarwal, 1st petitioner herein, is examined as PW.1 and marked Exs.P1 to P13. Ex.P1 is the computer generated death certificate of Binod Kumar Agarwal. Ex.P2 is the original Legal Heirship certificate of Binod Kumar Agarwal. Ex.P3 is the photocopy of PW-1's Aadhaar card. Ex.P4 is the original holding statement as on 20.07.2021. Ex.P5 is the photocopy of the share certificate bearing certificate No,149572 issued by Aruna Sugars & Enterprises Limited standing in the name of Binod Kumar Agrawal along with the details of name change of the company as Aruna Hotels Limited. Ex.P6 is the photocopy of the share certificate bearing certificate No.67131 issued by Aban Offshore Limited standing in the name of Binod Kumar Agarwal. Ex.P7 is the photocopy of the share certificate

bearing certificate No.120686 issued by Mideast Integrated Steels Limited standing in the name of Binod Kumar Agarwal. Ex.P8 is the photocopy of the share certificate bearing certificate No.17526 issued by Purity Flexpack Limited standing in the name of Binod Kumar Agarwal. Ex.P9 is the photocopy of the share certificate bearing certificate No.32550 issued by TATA Power Company Limited standing in the name of Binod Kumar Agarwal. Ex.P10 is a copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 18.03.2022 and Ex.P11 is the consent affidavit given by the 2nd petitioner. Ex.P12 is the consent affidavit given by the 3rd petitioner and Ex.P13 is the consent affidavit given by the 4th petitioner.

5. Considering the averments made in the petition and the evidence tendered by PW.1 along the documents marked as Exs.P1 to P13, this Court is satisfied that the petitioners have succeeded the Estate of the deceased Binod Kumar Agarwal. 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 debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the petition schedule, is issued.

Accordingly, the petitioners are entitled for the relief as prayed for and this Original Petition stands allowed.

Sd/.K.R.J.
06.06.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/15.06.2022

COURT OFFICER(O.S.)

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