

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

TUESDAY, THE 25TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.671 of 2021

In the matter of Indian
Succession Act, XXXIX of
1925

and

In the matter of the certain
Security belonging to the
G.Meenakshi -deceased
Intestate

1. MAHARAJA GOKULAVASAN
aged 52 years,
S/o.Late Gokulavasan Sambamoorthy,
Residing at G-46,
A3 Block Sumadhura Sawan MTB,
Graphite India Main Road,
Near Euro School,
Hoodi, Mahadevaoura,
Bangalore North,
Bangalore,
Karnataka - 560048.

2. G.DWARAKANATH
aged 50 years,
S/o.Late Gokulavasan Sambamoorthy,
Residing at 6C, Daffodil Block,
Ceebros Garden, 1/2,
Vembuliamman Koil Street,
Virugambakkam,
Chennai - 600092.

3. GIRINATH GOKULAVASAN

aged 47 years,
S/o.Late Gokulavasan Sambamoorthy,
Residing at #4, Block A,
Veracious Lansdale,
Whitefield, North Bangalore,
Bangalore,
Karnataka - 560 066.

4. REVATHI RAMKUMAR

aged 45 years,
D/o.Late Gokulavasan Sambamoorthy,
Residing at Block 1, 1605,
My Home Vihanga, Gachibowli,
Hyderabad – 500032.

..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 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 seeking to grant succession certificate in favour of the first petitioner in respect of the securities mentioned in the schedule to the petition.

2. Heard the learned counsel for the petitioners.

3.The petitioners are the children of the deceased G.Meenakshi, who died on 18.01.2019. The husband of G.Meenakshi predeceased her on 14.02.1991 and her husband's name is Sambamoorthy Gokulavasan. Since the Companies, in which, the securities were held by the deceased G.Meenakshi, have insisted for Succession Certificate, the petitioners have approached this Court.

4. Before the Learned Master, the 2nd petitioner, G.Dwarakanath was examined as a witness (P.W.1). He has deposed on behalf of the remaining petitioners also. In his deposition, he has reiterated the contents of the petition filed in support of O.P.No.671 of 2021. Through P.W.1, the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the document</i>
Ex.P-1	Computer generated death certificate of G.Meenakshi, who died on 18.01.2019.
Ex.P-2	Computer generated Legal Heirship Certificate dated 09.08.2019 in respect of G.Meenakshi.
Ex.P-3	Original Statement of Holding as on 28.07.2021 standing in the name of Meenakshi Gokulavasan.
Ex.P-4	Photocopy of the death certificate of Sambamoorthy Gokulavaan, who died on 14.02.1991.
Ex.P-5	Copy of paper publication effected in one issue of Tamil Daily “Makkal Kural”.

5. As seen from the evidence available on record, it is clear that G.Meenakshi died on 18.01.2019 as evidenced from her death certificate, which has been marked as Ex.P1. The Legal Heirship certificate of G.Meenakshi has also been marked as Ex.P2 which confirms that the petitioners are her only legal heirs.

6. The death certificate of petitioner's husband Sambamoorthy Gokulavasan has also been marked as Ex.P4, which confirms that he died on 14.02.1991. Ex.P.3 are the details of the securities and details mentioned in the Schedule to the petition and they tally with those particulars given by the petitioners in the Schedule. The petitioners 2 to 4 have also given separate consent affidavits stating their no objection for grant of Succession Certificate in favour of the first petitioner.

7. Paper publication has also been effected in one of the Tamil dailies "Makkal Kural" dated 08.12.2021 with regard to the application filed by the petitioners seeking for succession certificate.,which has been marked as Ex.P.5.

8. 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 the properties and credits of the deceased. 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.

9. After perusing and examining the pleadings as well as the evidence available on record, this Court is inclined to grant Succession Certificate in favour of the first petitioner as prayed for in O.P. No.671 of 2021. Accordingly, O.P. No.671 of 2021 is allowed.

Sd/.A.Q.J.
25.01.2021

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./01.02.2022

COURT OFFICER(O.S.)

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