

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.816 of 2021

In the matter of the Indian Succession
Act
and
In the matter of securities of
Mrs.J.Kasthuri Bai
Maragatham (deceased Intestate)

1. K. SUNDARAM (M/78),
S/o.Kali Annan,
Plot No.92, East 14th Street,
Metha Nagar, Kunrathur,
Chennai - 600 069.

2. S.THIRUSELVAM,(M/50),
S/o.K.Sundaram,
Plot No.92, (C-113) 14th East Street,
Metha Nagar, Kunrathur,
Chennai - 600 069.

3. S.NITHI ANAND(M/43),
S/o.K.Sundaram,
No.11, Mathi Apartments,
3rd Floor, No.187,
S.V.Lingam Salai,
Kalaighnar Karunanidhi Nagar,
(K.K.Nagar)
Chennai - 600 078.

..Petitioners

This original petition praying that this Hon'ble court be pleased that the Succession Certificate may be granted to the 1st petitioner with power to collect the securities and to receive the interest and dividends 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 Mrs.J.Kasthuri Bai Maragatham, who died intestate on 14.09.2019. The 1st petitioner is the husband and the 2nd and 3rd petitioners are sons of Late J.Kasthuri Bai Maragatham. The petitioners are the only surviving legal heirs of the deceased J.Kasthuri Bai Maragatham and the petitioners are filing this petition for grant of Succession Certificate in favour of the 1st petitioner. The total amount of the shares value will be for a

sum of Rs.16,38,480/-.

3. It is further stated that other than the petitioners, there are no other relatives to succeed the estate as legal heirs. Therefore, all the three petitioners are entitled for equal share in the estate of the said deceased.

4. 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.

5. In order to prove their case, on behalf of the petitioners, one Mr.K.Sundaram, 1st petitioner herein, is examined as PW.1 and marked Exs.P1 to P11. Ex.P1 is the photocopy of the share certificate bearing certificate No.353475 issued by Apollo Hospitals Enterprise Limited standing in the name of J.Kasthuri Bai Maragatham. Ex.P2 is the photocopy of the death certificate of J.Kasthuri Bai Maragatham. Ex.P3 is the computer generated Legal Heirship certificate of J.Kasthuri Bai Maragatham. Ex.P4 is the photocopy of the letter dated 29.11.2019 addressed to the 1st petitioner

issued by the Integrated Registry Management Service Private Limited for obtaining succession certificate. Ex.P5 is the photocopy of the Aadhaar card of J.Kasthuri Bai Maragatham. Ex.P6 is the photocopy of the Aadhaar card of 1st petitioner. Ex.P7 is the photocopy of the Aadhaar card of 2nd petitioner. Ex.P8 is the photocopy of the Aadhaar card of 3rd petitioner. Exs.P9 and P10 are the consent affidavits given by the 2nd and 3rd petitioners. Ex.P11 is a copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 01.03.2022.

6. Further, the other petitioners, viz., petitioners 2 and 3 have given consent affidavits expressing no objection for grant of succession certificate in favour of the 1st petitioner. These consent affidavits are also marked as Exs.P9 and P10.

7. Considering the averments made in the petition and the evidence tendered by PW.1 along the documents marked as Exs.P1 to P11, this Court is satisfied that the petitioners have succeeded the Estate of the deceased J.Kasthuri Bai Maragatham. 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.

8. 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/16.06.2022

COURT OFFICER(O.S.)

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