



O.P.No.797 of 2021

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WEB CO **KRISHNAN RAMASAMY.J.,**

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 first petitioner.

2.It is the case of the petitioners that the first petitioner is the wife of the Testator Monoharlal Rathi, who died intestate on 19.10.2006. The petitioners 2 to 4 are the children of the deceased Testator Monoharlal Rathi and they are the only Class – I legal heirs of the deceased Monoharlal Rathi. During his life time, the Testator Monoharlal Rathi had invested shares in Caplin Point Laboratories Limited and ICICI Bank Ltd. The petitioners are filing this petition for grant of Succession Certificate in favour of the first petitioner/wife of the deceased. The total amount of the assets value will be for a sum of Rs.4,88,256/-.

3. It is further stated that the other than the petitioners, there are no



other relatives to succeed the estate as legal heirs. Therefore, the petitioners are entitled for share in the estate of the said deceased Monoharlal Rathi.

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 the first petitioner with power to collect securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the petition schedules.

5. In order to prove their case, Mrs.Lalitha Rathi, the first petitioner herein, is examined as PW.1 and marked Exs.P1 to P9. Ex.P1 is the original death certificate of Monoharlal Rathi. Ex.P2 is the photocopy of the Legal Heirship certificate in respect of Monoharlal Rathi. Ex.P3 is the computer generated death certificate of Mrs.Mooli Devi Dalal. Ex.P4 is the photocopy of her Aadhaar Card. Ex.P5 is the photocopy of the Aadhaar Card of M.Mukesh Kumar Rathi. Ex.P6 is the consent affidavit given by



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the second petitioner. Ex.P7 is the consent affidavit given by the third petitioner. Ex.P8 is the consent affidavit given by the 4th petitioner. Ex.P9 is the copy of paper publication effected in one issue of Tamil daily “Dina Kural” dated 01.04.2022. Despite the paper publication also, none has appeared and raised their objections.

6. Considering the averments made in the petition and the evidence tendered by PW.1 along with the documents marked as Exs.P1 to P9, this Court is satisfied that the petitioners have succeeded for the Estate of the deceased Monoharlal Rathi. Therefore, this petition is ordered as prayed for and a direction for grant of Succession Certificate to the first petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, is issued.

7. Accordingly, the first petitioner is entitled for the relief as prayed for by the petitioners and this Original Petition stands allowed.

12.07.2022

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