



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

WEDNESDAY, THE 02ND DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

O.P.No.702 of 2021

In the matter of Indian
Succession Act, XXXIX of
1925
and

In the matter of certain
Debts of Late Mr.Khimchand
-deceased intestate

1. MRS.MITHI DEVI
W/o.Late Mr.Khimchand

2. MR.DINESH KUMAR
S/o.Late Mr.Khimchand

3. MR.ARVIND KUMAR
S/o.Late Mr.Khimchand,

Petitioners 1 to 3 are residing at
No.8/15, Narayana Mudali Street,
Sowcarpet,
Chennai - 600001.

4. MRS.SEEMA KUMARI
D/o.Mr.Late Khimchand,
W/o Mr.Harish Singh, No.54,
N.K.C. Plaza, Mamulpet,
Bangalore - 560053.

..Petitioners



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Original Petition praying that this Hon'ble Court be pleased that Succession Certificate may be granted to the 2nd Petitioner i.e., Mr.Dinesh Kumar with absolute power to collect the securities and to receive interest and dividends on and negotiate and transfer the securities as 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 Original petition has been filed for grant of succession certificate.

2. The first petitioner is the wife, the second and third petitioners are the son and the fourth petitioner is the daughter of the deceased Khimchand who died on 08.06.2020 leaving behind the petitioners herein as his only legal heirs. The details of the securities for which the Succession Certificate is sought for, are furnished in the schedule to the petition.

3. The second petitioner who is the son of the deceased, has deposed as PW1 and filed his proof affidavit, before the learned Master in support of this petition for grant of succession certificate. Before the learned Master, the following documents were marked as Exhibits:

<i>Exhibits</i>	<i>Nature of the documents</i>
P1	Computer generated death certificate of Khimchand
P2	Computer generated legal heirship certificate of Khimchand

<i>Exhibits</i>	<i>Nature of the documents</i>
P3	Computer generated statement of holding as on 27.09.2021 in respect of Khimchand in client ID.No.10032148 issued by Munoth Financial Services Limited in respect of shares and securities held by him
P4	Consent affidavit given by the 1 st petitioner.
P5	Consent affidavit given by the 3 rd petitioner
P6	Consent affidavit given by the 4 th petitioner.
P7	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 20.12.2021.

4. 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 his properties and credits. 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.

5. This Court has perused and examined the aforementioned documents.

6. It is seen from the death certificate of Khimchand, Ex.P1 that he died on 08.06.2020 and the legal heirship certificate dated 06.05.2021 shows that the petitioners are the only legal heirs of the deceased Khimchand. Ex.P3 reveals that the deceased Khimchand was holding shares and securities in his name. The petitioners 1, 3 & 4 have filed their consent affidavit which have been marked as Ex.P4 to Ex.P6 giving consent for



grant of succession certificate to the second petitioner. Paper publication has also been effected in one issue of Tamil daily “Makkal Kural” dated 20.12.2021 and the same has also been marked as Ex.P7.

7. After giving due consideration to the averments contained in the petition as well as the Exhibits marked on the side of the petitioners, this Court is of the considered view that the relief of succession certificate sought for in OP No.702 of 2021 shall be granted to the second petitioner. Accordingly, the Original Petition is allowed. The first petitioner is directed to pay the requisite succession duty, if any, before obtaining the Succession Certificate.

Sd/.P.V.J.
02.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/20.04.2022

COURT OFFICER(O.S.)

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