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O.P.No.14 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.14 of 2022

1. P.Jayasree
W/o.D.Prasad Rao
No.69 B, GFLR Krishna Krupa APT,
Madipakkam Main Road,
Madipakkam, Chennai-600 091.
2. P.Abhinaya
D/o.D.Prasad Rao
Individual Society Flat No.103,
Plot No.32, Sector 40,
Nerul West, Near D Mart,
Navi Mumbai, Nerul Node-III,
Thane, Nerul Node-III,
Maharashtra-400 706.
3. D.Premila Bai,
W/o.Deenadayalan,
No.135, A/44, Kamatchi Amman Koil,
Sannathi Street,
Big Kanchipuram,
Kanchipuram-631 502.

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, Act XXXIX of 1925 and Order Rule 6 of the High Court Original Side



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Rules, prays that a Succession Certificate may be granted to the 1st petitioner namely Mrs.P.Jayasree with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the Schedule hereunder.

For Petitioners : Mr.A.Abdul Rahman for
M/s.Nathan & Associates

ORDER

The petitioners seek the issuance of a succession certificate to the first petitioner in respect of the securities listed in the schedule to the petition.

2. The petitioners state that Mr.D.Prasad Rao was the husband of the first petitioner, father of the second petitioner and son of the third petitioner. He died intestate on 21.08.2020 at a Hospital in Navi Mumbai, but ordinarily resided at the address specified in paragraph 4 of the petition, which is within the jurisdiction of this Court.

3. The petitioners further state that no Will was found in spite of due and diligent search of the same. In order to establish entitlement to the relief



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claimed, the petitioners adduced evidence by examining the first petitioner as PW1. In course of the examination-in-chief of PW1, the seven documents listed at the foot of this order were exhibited as Exs.P1 to P7. The death certificate of the late D.Prasad Rao is on record (Ex.P2). This document discloses that he died on 21.08.2020 at a hospital in Navi Mumbai. The document also discloses the permanent address of the deceased, which is within the jurisdiction of this Court. The legal heirship certificate in respect of the late D.Prasad Rao is on record (Ex.P1). This document discloses the names of the three petitioners as the legal heirs of the deceased. The consolidated accounts statement issued by the depository is on record (Ex.P6). Paper publication was effected in one issue of the Tamil daily “Makkal Kural” (Ex.P7). The second and third petitioners have submitted their consent affidavits.

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to succeed.



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5. Accordingly, O.P.No.14 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities listed in the schedule to the petition with power to collect the securities, receive interest and dividends thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mrs.P.Jayasree

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The computer generated Legal heirship Certificate of Mr.D.Prasad Rao.
Ex.P2	The computer generated death certificate of Mr.D.Prasad Rao.
Ex.P3	The photocopy of my Aadhaar card (Compared with the original)
Ex.P4	The photocopy of the Aadhaar card of the 2 nd petitioner (Compared with the original)
Ex.P5	The photocopy of the Aadhaar card of the 3 rd petitioner



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<i>Exhibit No.</i>	<i>Description</i>
	(Compared with the original).
Ex.P6	The computer generated NSDL Consolidated Account Statement in respect of the shares held by Mr.D.Prasad Rao.
Ex.P7	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 29.09.2022.

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