



WEB CRYSTAL **C.V.KARTHIKEYAN, J.**

This original petition has been filed taking advantage of Section 372 of the Indian Succession Act, 1925 seeking Succession Certificate with respect to the securities in the name of Najma Ghouse, the mother of the petitioners, who died intestate on 02.07.2021. The father of the petitioners M.Ghouse Mohiuddin had predeceased her on 14.01.2016.

2.It is stated that the 2nd petitioner had given a Hiba of her 1/3rd share of the securities mentioned in the schedule to the petition in favour of the 1st petitioner. The Hiba was also accepted by the 1st petitioner.

3.After completing necessary formalities, the petitioners were invited to tender evidence. The 1st petitioner examined himself as PW-1. The Death Certificate of his father was marked as Ex.P2. The Death Certificate of his mother was marked as Ex.P3. The details of the share certificates was marked as Exs.P1, P6 and P7. The details of the Indian Bank Account was marked as Ex.P8. The original Deed of Declaration of Hiba was marked as Ex.P4. The Legal Heirship Certificate of his mother was marked as Ex.P5.



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4.In view of the evidence adduced, this Original Petition stands allowed. The Succession Certificate may be issued in favour of 1st petitioner.

5.The learned counsel for the petitioners placed a request that the original declaration of Hiba dated 10.07.2021 which was marked as Ex.P4 may be returned. After following due procedure, the Registry may return the same after taking proper authorization and substitute the same with the attested xerox copy and retain that for the sake of records.

11.11.2022

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O.P.No.43 of 2022