

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

TUESDAY, THE 01ST DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P.No.920 of 2019

In the matter of Indian
Succession Act, 1925
and
In the matter of securities of
Mr.I.C.Iswaran Intestate deceased

GOMATHY AMMAL
W/o.I.C.Iswaran,
12/2, First Avenue, Sastri Nagar,
Adyar, Chennai-600020.

..Petitioner

-Vs-

SENTHILVEL
S/o.I.C.Iswaran ,
Loves Heaven,
Ilanji-627805.

..Respondent

Original Petition praying that this Hon'ble Court be pleased that the Succession certificate may be granted to the petitioner with power to collect the securities and to receive interest and dividends on and negotiate and transfer the securities specified in the Schedule in the petition.

Original Petition coming on this day before this court for hearing the court made the following order:

This petition has been filed seeking for succession certificate. The petitioner is the wife of the deceased Mr.I.C.Iswaran, who died on 19.05.1978, leaving behind the securities more fully described in the schedule to the petition filed in support of O.P.No.920 of 2019.

2. Since the company has insisted for a succession certificate in view of the dispute raised by the respondent, the petitioner has approached this Court seeking for succession certificate.

3. The respondent has been duly served in O.P.No.920 of 2019 and he remains unrepresented in this petition.

4. The petitioner is the wife of the deceased Mr.I.C.Iswaran and she is his only legal heir as they do not have any issues out of their wedlock.

5. Since the petitioner is aged about 82 years, on the request made by her, this Court appointed an Advocate Commissioner to record her oral and documentary evidence at her residence and also directed the Advocate Commissioner to intimate the respondent about the same and also granted liberty to the respondent to cross examine the petitioner.

6. As directed by this Court, the evidence of the petitioner was recorded at her residence and the following documents were marked as exhibits:-

<i>Exhibits</i>	<i>Nature of the documents</i>
Ex.P1	Death certificate of Mr.I.C.Iswaran
Ex.P2	Legal Heirship certificate for Mr.I.C.Iswaran
Ex.P3	Letter from M/s. Ramco Cements Limited, disclosing the details of shares held by Mr.I.C.Iswaran
Ex.P4	Paper publication effected in one issue of “Makkal Kural” with regard to O.P.No.920 of 2019.

7. The petitioner, Mrs.I.Gomathy Ammal, the wife of the deceased Mr.I.C.Iswaran was examined as a witness (P.W.1) and only through her, the aforementioned documents were marked as exhibits. In her deposition, she has reiterated the contents of the petition filed in support of O.P.No.920 of 2019.

8. The Advocate Commissioner has also submitted a report enclosing the evidence of the petitioner and in his report, he has submitted that despite service of notice on the respondent and intimating him about the date of recording evidence at the petitioner's residence, the respondent chose not to cross examine the petitioner on the fixed date. Therefore, it is

clear that the respondent does not have any objection with regard to grant of succession certificate in favour of the petitioner.

9. The respondent's father name is also I.C.Iswaran and the deceased, in respect of whom, succession certificate is sought for is also named Mr.I.C.Iswaran and there seems to be some confusion. Only on that ground, M/s. Ramco Cements Limited, the company in whose name the securities stand, has refused to transfer the shares in favour of the petitioner.

10. Since the respondent has not chosen to contest this petition, it is clear that he does not have any objection for grant of succession certificate in favour of the petitioner.

11. As seen from the evidence available on record, the petitioner is the wife of Mr.I.C.Iswaran (Deceased) and out of their wedlock, they do not have any issues, as seen from the Legal Heirship certificate, which has been marked as Ex.P2, which reveals that the petitioner is the only legal heir of the Deceased Mr.I.C.Iswaran. The details of the securities held with M/s.Ramco Cements Limited in the name of Mr.I.C.Iswaran is also confirmed through Ex.P3. Paper publication has also been effected in one issue of “Makkal Kural” with regard to O.P.No.920 of 2019.

12. An affidavit has also been filed by M/s. Ramco Cements Limited before this Court stating that the subject shares mentioned in the schedule to the petition remained unclaimed and therefore the shares were transferred to the Investor Education and Protection Fund (IEPF) of Government of India on 02.12.2017 in accordance with Section 124 (6) of the Companies Act, 2013 and the Investor Education and Protection Authority (Accounting, Audit, Transfer and Refund) Rules, 2016. At the same time, they have stated that the legal heirs of the Deceased Mr.I.C.Iswaran are entitled to claim shares from IEPF subject to Order of this Court.

13. M/s.Ramco Cements Limited, in their affidavit, have also stated that at the time of transferring of shares to IEPF, the Original Share Certificate has to be cancelled, dematerialized and transferred in electronic form, which has been duly done by the company. A certified copy of the cancelled share certificate has also been enclosed along with their affidavit.

14. M/s. Ramco Cements Limited have also undertaken that if this Original Petition is allowed as prayed for, the petitioner can approach them along with the succession certificate and on completing the necessary documentation, the petitioner shall then approach IEPF in order to claim the shares. The said statement is recorded by this Court.

15. 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.

16. For the foregoing reasons, this Court is inclined to grant succession certificate in favour of the petitioner as prayed for in O.P.No.920 of 2019. In the result, this Original Petition is allowed as prayed for and succession certificate is granted in favour of the petitioner. The petitioner shall approach M/s. Ramco Cements Limited along with the succession certificate to enable them to complete the formalities as mentioned in their affidavit dated 27.01.2022 filed before this Court.

Sd/.A.Q.J.
01.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./02.02.2022

COURT OFFICER(O.S.)

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