



O.P.No.283 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.12.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.283 of 2022

- 1.Arachalai Thiruinban Anbarasan,
S/o.A.U.Thiruinban,
Residing at No.17,
Sami Mudaliar Street,
Muthialpet S.O.,
Pondicherry-605 003.
- 2.Hemakumari Thiruinban,
W/o.A.U.Thiruinban,
Residing at L 29,
3rd Rd West Street,
Kamaraj Nagar,
Thiruvannamiyur,
Chennai-600 041.
- 3.Arachalai Thiruinban Sarasa,
W/o. Adhiyaman,
Residing at 177/182,
B3, Anushka Enclave,
Big Street, Triplicane,
Chennai-600 005.
- 4.Arachalai Thiruinban Annaduari
S/o.A.U.Thiruinban,
Residing at L 29,



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3rd Rd West Street,
Kamaraj Nagar,
Thiruvananthiur,
Chennai-600 041.

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act r/w. Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted in the name of the 1st petitioner with power to collect the securities and to receive the interest, dividends and to negotiate & transfer the securities specified in the Schedule hereto.

For Petitioners : Mr.Sharan Elizabeth V.S.

ORDER

The petitioners seek the grant of a succession certificate in respect of the securities described in the schedule to the petition.

2. The petitioners assert that the husband of the second petitioner, and father of the first, third and fourth petitioners, died intestate on 10.07.2014. It is further asserted that he ordinarily resided at the address specified in



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paragraph 4 of the petition, which is within the jurisdiction of this Court.

The deceased left behind the securities described in the schedule to the petition. They further state that no Will was found in spite of diligent search for the same.

3. In order to establish entitlement to the relief 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 Mr.A.U.Thiruinban is on record (Ex.P2). This document discloses that he died on 10.07.2014. It also discloses his address, which is within the jurisdiction of this Court. The legal heirship certificate in respect of the late Mr.A.U.Thiruinban discloses the names of the four petitioners as his legal heirs. The death certificate of the mother of the deceased is on record (Ex.P6). This document discloses that she died on 12.05.2000. Paper publication was effected in one issue of the Tamil daily 'Makkal Kural' (Ex.P7). The second, third and fourth petitioners have consented to the grant of the succession certificate to the first petitioner.



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

Accordingly, O.P.No.283 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities described in the schedule to the petition. Consequently, the first petitioner is entitled to collect the securities, receive interest or dividends thereon and negotiate and transfer the same.

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Index : Yes / No

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Petitioners' witness:

P.W.1 – Mr.A.T.Anbarasan

Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The photocopy of the special power of attorney dated 10.03.2021 given by the 4 th petitioner in my favour (Compared with the original)
Ex.P2	The computer generated death certificate of Mr.A.U.Thiruinban.
Ex.P3	The computer generated NSDL consolidated account statement of Mr.A.U.Thiru Inban (This document is marked subject to its admissibility, proof and relevance).



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<i>Exhibit No.</i>	<i>Description</i>
Ex.P4	The photocopy of the Legal Heirship Certificate of Mr.A.U.Thiru Inban (Compared with the original)
Ex.P5	The photocopy of the death certificate of Mr.A.Ulaganathan (Compared with the original)
Ex.P6	The computer generated death certificate of Mrs.A.U.Saraswathi Ammal.
Ex.P7	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 04.11.2022.

SENTHILKUMAR RAMAMOORTHY,J



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