



O.P.No.534 of 2017

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WEB CO **KRISHNAN RAMASAMY, J.,**

This Petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioner with power to collect the securities and to receive dividends and negotiate and transfer the securities specified in the schedule to the petition.

2. The petitioner's mother, during her life time, purchased the securities of ICICI Bank Ltd., about 12,500 shares @ Rs.250/- each. Subsequent to the purchase of the securities, the petitioner's mother S.Visalakshi died intestate on 31.01.1997. According to the petitioner, the petitioner and the respondents are the only legal heirs of the said S.Visalakshi and the Legal Heirship Certificate was marked as Ex.P2. Therefore, the petitioner is entitled to the grant of Succession Certificate.

3. Mr.M.Premkumar, learned counsel appearing for the second respondent submitted that the present petition was filed for the grant of Succession Certificate



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in favour of the petitioner, whereas, the petitioner and the respondents are the legal heirs of the deceased S.Visalakshi. Hence, all the three legal heirs are entitled to equal share in the schedule mentioned property.

4. The learned counsel appearing for the petitioner also submitted that the respondents are also entitled to shares. However, if they claim the shares of the securities, the second respondent has to pay the necessary stamp duty which the petitioner already paid a sum of Rs.90,000/- towards stamp duty. Therefore, he contended that the second respondent has to pay a sum of Rs.30,000/- towards stamp duty to the petitioner.

5. The learned counsel appearing for the second respondent submitted that the second respondent is ready to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) within a week's time to the petitioner. As far as the first respondent is concerned, she is the sister of the petitioner. She has already given consent for the issue of Succession Certificate in favour of the petitioner. Since the first respondent is also a legal heir, and she is also entitled to equal share in the security, the 2nd respondent contended that the Succession Certificate needs to be



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issued in favour of the petitioner as well as the respondents.

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6. It is further stated that other than the petitioner and the respondents, there are no other relatives to succeed the estate as legal heirs. Therefore, the petitioner as well as the respondents are entitled to share in the estate of the said deceased S.Visalakshi.

7. No application for a succession certificate in respect of any debt or security belonging to the estate of the said deceased has been made in any District Court or High Court. The petitioner has approached this Court for the grant of succession certificate in favour of the petitioner with power to collect the securities and to receive dividends and negotiate and transfer the securities specified in the schedule.

8. In order to prove their case, Mr.S.Balaji, the petitioner herein, was examined as P.W.1 and Exs.P1 to P4 were marked.

Ex.P1 is the computer generated copy of the death certificate of Mrs.S.Visalakshi, who died on 31.01.1997.



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Ex.P2 is the photocopy of the Legal Heirship Certificate dated 02.04.2002 in respect of Mrs.S.Visalakshi (marked after comparing and verifying with the original).

Ex.P3 is the photocopy of the letter dated 31.05.2017 addressed to the petitioner by 3i Infotech (Since the original letter was misplaced, the photocopy of the same).

Ex.P4 is a copy of the paper publication effected in one issue of Tamil daily "Maalai Sudar" dated 28.10.2017.

9. Despite the paper publication, none has appeared and raised objections.

10. Further, one Mr.S.Anand, who is the second respondent herein was examined as R.W.1 and no document was marked through him.

11. The present petition has been filed for the grant of Succession Certificate in favour of the petitioner alone. However, there are three legal heirs and all the legal heirs are entitled to succeed the properties of the deceased S.Visalakshi, who is none other than the mother of all the three legal heirs. Therefore, this Court is



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inclined to order the petition with a direction to the Registry to issue Succession Certificate in favour of petitioner as well as the respondents to collect the securities and to receive dividends and negotiate and transfer the securities specified in the schedule to the petition.

12. Accordingly, the petitioner as well as the respondents are entitled to the relief as prayed for by the petitioner and this Original Petition stands allowed.

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