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O.P.No.279 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.279 of 2022

1.Cible Johny
2.Susana Karunakaran
3.Sofia P.Johny

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioners with the powers to collect the securities and to receive interest and dividends thereon and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.B.Divakaran

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned security of the deceased P.A.Johny.



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The petition mentioned security is owned by one P.A.Johny who is the husband of the first petitioner and father of the petitioners 2 and 3. The said P.A.Johny died intestate on 26.06.2015 leaving behind the petitioners as his legal heirs. The parents of P.A.Johny predeceased him. As the only surviving legal heirs of late P.A.Johny, the petitioners are entitled to inherit the petition mentioned security. Hence, for the purpose of transmitting the security mentioned in the schedule to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The first petitioner examined herself as PW.1 and Ex.P1 to Ex.P5 were marked.

5. Ex.P1 is the death certificate of P.A.Johny which would show that P.A.Johny died on 26.06.2015. Ex.P2 legal heirship certificate of P.A.Johny would show that the petitioners are the only legal heirs of the deceased. Since the deceased died intestate, the petitioners have filed this Petition for



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grant of Succession Certificate.

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6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners, with power to collect the securities with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if not paid earlier.

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Index : Yes/No
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APPENDIX

Petitioners' side witness:

P.W.1 - Mrs.Cible Johny

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of P.A.Johny.
Ex.P2	The photocopy of the legal heirship certificate of P.A.Johny.
Ex.P3	The photocopy of the first petitioner's passport bearing No.R7711142.
Ex.P4	The online printout of the statements as on 16.11.2021 in respect of shares and securities standing in the name of P.A.Johny bearing Client Code : EU514 issued by Chola Wealth.
Ex.P5	The paper publication effected in one issue of Tamil daily "Makkal Kural" dated 03.02.2023.

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