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O.P.No.78 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.78 of 2023

S.Kalavathy

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Petitioner

Original Petition filed under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioner with the power to receive the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.M.Murugan

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the petitioner with power to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule.



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2.The averments in the petition are as follows:-

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The securities set out in the schedule of the petition belongs to one S.Aravind Krishna. The deceased S.Aravind Krishna did not get married and died as a bachelor on 18.05.2021 at Caye Caulker, Belize District on the Embassy of India Mexico City. The petitioner is the mother of the deceased S.Aravind Krishna. Since the said S.Aravind Krishna died intestate leaving behind his mother and father as his Class – I legal heirs, the mother had filed this petition to get the Succession Certificate in respect of the securities mentioned in the petition. The father of the deceased had given consent affidavit in favour of the petitioner.

3. News paper publication effected. No objectors.

4. The petitioner examined herself as PW.1 and Ex.P1 to Ex.P11 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original death certificate of Aravind Krishna Srinivasan dated 11.06.2021 issued by the Registrar General, Belize District.
Ex.P2	Certificate of entry of death of Aravind Krishna issued by second Secretary (Consular), Embassy of India, Mexico City dated 18.08.2021.
Ex.P3	Original death certificate of Aravind Krishna Srinivasan issued by second Secretary (Consular), Embassy of India, Mexico City dated 19.08.2021.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P4	Computer general legal heirship certificate of Aravind Krishna
Ex.P5	Photocopy of driving license of Aravind Krishna (Compared with the original)
Ex.P6	Photocopy of the Aadhar card of Aravind Krishna (Compared with the original)
Ex.P7	Print out of family card of the petitioner
Ex.P8	Photocopy of petitioner's Aadhar card
Ex.P9	Print out of the statement dated 02.01.2023 issued by Nippon India Mutual Fund in respect of shares and securities held by Aravind Krishna
Ex.P10	Consent affidavit given by my husband Mr.Srinivasan.
Ex.P11	Copy of paper publication effected in one issue of Family daily "Maalai Malar" dated 21.03.2023

5. Ex.P2 is the death certificate of S.Aravind Krishna who died on 18.05.2021 and the legal heirship certificate of the deceased is marked as Ex.P4 and that would show that the petitioner and his husband, the father of the deceased, alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioner and her husband who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. But the father of the deceased S.Aravind Krishna has given a consent affidavit which is marked as Ex.P10 by stating that he has



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no objection in granting succession certificate in favour of the petitioner.

Since the deceased died intestate, the petitioner has filed this petition for grant of Succession Certificate.

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

7.Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts 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 it is not paid already.

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Index :Yes/No



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Petitioner side witness:

P.W.1 – Mrs.S.Kalavathy

Documents marked on the side of the petitioners:

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