



O.P.No.404 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.404 of 2022

1.Tamilselvi
2.Thangamalar
3.Vijayakumar
4.Vinothkumar
Petitioners

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PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that the succession certificate may be granted to the first petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in schedule hereunder.

For Petitioners : Ms.R.Srinithi for KNS Law Chambers



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O.P.No.404 of 2022

ORDER

The petitioners have prayed for the grant of a succession certificate to the first petitioner in respect of the securities listed in the schedule to this petition.

2. The petitioners state that the husband of the first petitioner and the father of the second to fourth petitioners died intestate on 28.08.2020. It is further stated that he ordinarily resided at the address specified in paragraph 1 of the petition, which is within the jurisdiction of this Court.

3. The petitioners assert that they are the only class-I legal heirs and have, therefore, presented this petition for issuance of the succession certificate. They further state that in spite of a diligent search, a Will was not found.

4. In order to establish entitlement to the relief claimed, the petitioners



O.P.No.404 of 2022

adduced evidence by examining the first petitioner as P.W.1. In course of the examination in chief of P.W.1, the 10 documents listed at the foot of this order were exhibited as Exs.P1 to P10. The death certificate of Mr.H.Vasanthakumar (Ex.P1) discloses that he died on 28.08.2020. The address of the deceased is specified therein and the said address is within the jurisdiction of this Court. The legal heirship certificate in respect of Mr.H.Vasanthakumar (Ex.P2) discloses the names of the four petitioners as his class-I legal heirs. As evidence of title of the deceased to the securities listed in the schedule of the petition, Exs.P3 to P6 are placed on record. The consent affidavits of the second to fourth petitioners are on record as Exs.P7 to P9. Paper publication was effected (Ex.P10).

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

6. Accordingly, O.P.No.404 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities specified in the schedule to the petition. Consequently, the first petitioner



O.P.No.404 of 2022

shall be entitled to collect the securities, receive interest and dividends thereon, and negotiate and transfer the same.

07.02.2023

rna

Index : Yes / No

Internet : Yes / No_

Petitioner's witness:

P.W.1 - Mrs.Tamilselvi

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated Death certificate of Mr.H.Vasanthakumar.
Ex.P2	Computer generated Legal Heirship certificate of Mr.Vasanthakumar.
Ex.P3	Photocopy of the share certificate of Tamilnadu Mercantile Bank Limited standing in the name of Mr.H.Vasanthakumar (Compared with the original).
Ex.P4	Photocopy of the FIR in No.436 of 2021 dated 14.10.2021 (Compared with the original).
Ex.P5	Photocopy of the Non Traceable Certificate dated 13.11.2021 issued by the R1 Mambalam Police Station (Compared with the original).
Ex.P6	Photocopy of the letter dated 11.12.2021 addressed to me by Link Intime Private Limited asking for succession certificate



O.P.No.404 of 2022

<i>Exhibits</i>	<i>Documents</i>
	(Compared with the original).
Ex.P7	Consent affidavit given by the second petitioner.
Ex.P8	Consent affidavit given by the third petitioner.
Ex.P9	Consent affidavit given by the fourth petitioner.
Ex.P10	Copy of paper publication effected in one issue of Tamil daily "Maalai Malar" dated 21.10.2022.



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O.P.No.404 of 2022

SENTHILKUMAR RAMAMOORTHY,J

rna

O.P.No.404 of 2022

07.02.2023