



O.P.No. 18 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No. 18 of 2023

1.Kishore George A.J.

2.Veronica Roshni K.

3.Antony K.Rahul (minor)
S/o.Magdeline Kishore,
Represented by his father and
Natural Guardian,
Kishore George-1st petitioner

... Petitioners

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

For Petitioners : M/S.A.Jenitha Mary

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate by the petitioners in respect of schedule mentioned securities of the deceased Magdeline Kishore.



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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 Fabiola Magdeline Niroopa and the said person has changed her name as Magdeline Kishore. The 1st petitioner is the husband and the petitioners 2 & 3 are the children of late Magdeline Kishore. Since Magdeline Kishore died intestate leaving behind the petitioners as her legal heirs, the petitioners have filed this petition to get the Succession Certificate in respect of the securities mentioned in the petition.

3. News paper publication effected. No objectors.

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

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the photocopy of the Tamil Nadu Government Gazette Publication dated 28.09.2011
Ex.P2	the computer generated death certificate of Magdeline Kishore
Ex.P3	the computer generated legal heirs certificate of Magdeline Kishore
Ex.P4	he original statement of holdings issued by Canara Bank Securities Limited in respect of Mrs.Fabiola Magdeline Niroopa
Ex.P5	the statement regarding Division of shares
Ex.P6	the Pan Card of Fabiola Magdeline Niroopa
Ex.P7	the photocopy of the Aadhar Card of Magdeline Kishore



<i>Exhibits</i>	<i>Documents</i>
Ex.P8	the photocopy of the Aadhar Card of the 1 st petitioner
Ex.P9	the photocopy of the Aadhar Card of the 2 nd petitioner
Ex.P10	the photocopy of the Aadhar Card of the 3 rd petitioner
Ex.P11	he copy of the paper publication effected in one issue of Tamil daily 'Malai Malar' dated 01.04.2023.

5. Ex.P1 is the copy of the Tamil Nadu Government Gazette Publication dated 28.09.2011 to show the name change of the owner of the assets. Ex.P2 is the death certificate of Magdeline Kishore who died on 28.05.2021. The legal heir certificate of the deceased is marked as Ex.P3 and that would show that except the petitioners the deceased have no other legal heirs. Subsequent to the death of Magdeline Kishore the petitioners who are her legal heirs have become entitled to inherit the securities mentioned in the schedule equally among themselves. Since the deceased died intestate the petitioners have filed this petition for grant of Succession Certificate.

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



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jrs

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioners, 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 not paid already.

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Index :Yes/No

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