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O.P.No.463 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.463 of 2022

K.Kanniyalal

... Petitioner

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act 1925 and Order XXV Rule 6 of O.S.Rules, prays that a succession certificate may be granted in favour of the petitioner with the power to collect the securities and to receive the interests and dividends and negotiate and transfer the securities / shares as specified in schedule.

For Petitioner : Mr.S.K.Sivasubramaniam

ORDER

The petitioner seeks issuance of a succession certificate in respect of the securities listed in the schedule to this petition.



O.P.No.463 of 2022

WEB COPY

2. The petitioner asserts that his father, R.Kewal Chand, died intestate on 16.11.1994 leaving behind the petitioner's mother, Pyari Bai, and the petitioner as his legal heirs. Subsequently, the mother of the petitioner died on 30.09.1999. It is further stated that the mother of the deceased, Gutta Bai, pre-deceased R.Kewal Chand since she died on 08.05.1984. Therefore, on the basis that the petitioner is the only surviving legal heir, the present petition was filed.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 12 documents listed at the foot of this order were exhibited as Exs.P1 to P12. The legal heirship certificate in respect of R.Kewal Chand (Ex.P3) discloses the names of Tmt.Pyari Bai and Thiru.K.Kanniyalal as his legal heirs. The death certificate of the petitioner's mother, Pyari Bai (Ex.P4), discloses that she died on 30.09.1999. The death certificate of R.Kewal Chand (Ex.P2) discloses that he died on 16.11.1994. The said document also discloses his place of residence, which is within the



O.P.No.463 of 2022

jurisdiction of this Court. In paragraph 6 of the petition, the petitioner has explained the reasons for filing the petition belatedly. As evidence of title of the deceased to the relevant securities, Exs.P5 to P11 are placed on record. Paper publication was effected (Ex.P12).

4. Based on the assertions in the petition and the evidence recorded in support thereof, the petitioner is entitled to the relief claimed.

5. Accordingly, O.P.No.463 of 2022 is allowed by directing that a succession certificate be issued to the petitioner in respect of the securities specified in the schedule to the petition. Consequently, the petitioner shall be entitled to collect the securities, receive interest and dividends thereon, and negotiate and transfer the same.

14.02.2023

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Index : Yes / No

Internet : Yes / No



O.P.No.463 of 2022

Petitioner's witness:

P.W.1 - Mr.K.Kanniyalal

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of petitioner's Aadhaar card (Compared with the original).
Ex.P2	Computer generated death certificate of Mr.R.Kewal chand.
Ex.P3	Photocopy of the Legal Heirship certificate of Mr.R.Kewal chand (Compared with the original).
Ex.P4	Computer generated death certificate of Pyari Bai.
Ex.P5	Photocopy of the share certificate bearing certificate No.020077289 in Reliance Industries Limited held by Mr.R.Kewal Chand (Compared with the original).
Ex.P6	Photocopy of the share certificate bearing certificate No.53404696 in Reliance Industries Limited held by Mr.R.Kewal Chand (Compared with the original).
Ex.P7	Photocopy of the share certificate bearing certificate No.53404697 in Reliance Industries Limited held by Mr.R.Kewal Chand (Compared with the original).
Ex.P8	Original Letter dated 24.01.2022 addressed to the petitioner by Kfin Technologies Private Limited.
Ex.P9	Online printout showing the market value of the shares issued by the NSE of India Limited.
Ex.P10	Online printout showing the details of bonus shares issued in the year 2009 by the Reliance Industries Limited.
Ex.P11	Online printout showing the details of bonus shares issued in the year 2017 by the Reliance Industries Limited.



O.P.No.463 of 2022

<i>Exhibits</i>	<i>Documents</i>
Ex.P12	Copy of paper publication effected in one issue of Tamil Daily "Maalai Malar" dated 18.10.2022.

SENTHILKUMAR RAMAMOORTHY,J



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O.P.No.463 of 2022

rna

O.P.No.463 of 2022

14.02.2023