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O.P.No.242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.242 of 2023

Mr.Praveen Venkata Mellacheruvu

... Petitioner

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 petitioner, son of the deceased, with the powers to collect the Debts and Securities and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioner : Mr.K.Praveen

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned securities and debts of the deceased M.Venkatasubramanyam.



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

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The petition mentioned securities and movable assets were originally belonged to one M.Venkatasubramanyam who died on 21.06.2019. The wife of M.Venkatasubramanyam also died on 16.12.2010. The petitioner is the son and only surviving legal heir of his deceased parents. There are no other legal heirs of the deceased except the petitioner herein. Therefore, there is no impediment to grant Succession Certificate in favour of the petitioner. Since Succession Certificate is required to transmit the securities and debts owned by the deceased, to the name of the petitioner, he has come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The petitioner examined himself as P.W.1 and Ex.P1 to Ex.P11 were marked.

5. Ex.P1 is the death certificate of M.Venkatasubramanyam who died on 21.06.2019 and the legal heir certificate of the deceased is marked as Ex.P2. Ex.P2 shows that the petitioner alone is the legal heir of the deceased. Since the deceased died intestate, the petitioner who is the only



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surviving legal heir, has got the right to inherit the securities and debts mentioned in the schedule. Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate as prayed by him.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts and securities with interest and dividends on and negotiate and transfer the securities and debts 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

Petitioner's Witness:

P.W.1 – Mr.Praveen Venkata Mellacheruvu

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of M.Venkatasubramanyam.
Ex.P2	The computer generated legal heirship certificate of M.Venkatasubramanyam.
Ex.P3	The online printout of statement of holding for the period from 01.09.2022 to 30.09.2022 issued by NSDL in respect of shares and securities held by M.Venkatasubramanyam.
Ex.P4	The photocopy of the savings bank passbook bearing Account No.660401500010 in ICICI Bank, Pandya Bazaar Branch standing in the name of M.Venkatasubramanyam.
Ex.P5	The photocopy of the savings bank passbook bearing Account No.60032010041898 in Syndicate Bank, T.Nagar Branch standing in the name of M.Venkatasubramanyam.
Ex.P6	The photocopy of the savings bank passbook bearing Account No.1213155000135023 in the Karur Vysya Bank Limited, T.Nagar Branch, standing in the name of M.Venkatasubramanyam and Mrs.Vasanth Lakshmi.M.
Ex.P7	The photocopy of the Term Deposit Advice in the Karur Vysya Bank, T.Nagar Branch, bearing No.1945542 standing in the name of M.Venkatasubramanyam.
Ex.P8	The photocopy of the deposit receipt in Indian Overseas Bank, T.Nagar Branch, bearing No.550557 standing in the name of



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<i>Exhibits</i>	<i>Documents</i>
	M.Venkatasubramanyam.
Ex.P9	The photocopy of the Deposit Receipt in Indian Overseas Bank, T.Nagar Branch, bearing No.550558 standing in the name of M.Venkatasubramanyam.
Ex.P10	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 12.07.2023.
Ex.P11	The certificate filed by the petitioner under Section 65 B of the Indian Evidence Act.

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