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O.P.No.508 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.02.2023**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.508 of 2022

1.Mrs.Geetha Thiagarajan

2.Mrs.Reena Thomas

3.Mrs.Monica Thiagarajan

(Petitioners 2 and 3

Represented by their Power of Attorney

the 1st Petitioner) Mrs.Geetha Thiagarajan

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 and under Order XXV Rule 6 of the Original Side Rules, prays that a succession certificate to the petitioner with powers to collect the securities of the deceased Robert Thiagarajan and to receive, interests, dividends thereon and negotiate and Transfer the Securities more fully specified in the Schedule hereto.

For Petitioner: Mr.S.Suresh

ORDER

The petitioners seek the grant of succession certificate to the petitioners in respect of the securities described in the schedule to the petition.



O.P.No.508 of 2022

2. The petitioners assert that Mr.Robert Thiagarajan, the husband of the first petitioner and the father of the second and third petitioners, died intestate on 26.03.2018. It is stated that the deceased ordinarily resided at Santhome, Chennai, which is within the jurisdiction of this Court. In spite of a diligent search, it is stated that no Will was found. On the basis that the petitioners are the sole surviving legal heirs of the deceased, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the first petitioner was examined as PW1. During her examination-in-chief, the 6 documents listed at the foot of this order were exhibited as Exs.P1 to P6. The death certificate of Robert Thiagarajan (Ex.P1) discloses that he died on 26.03.2018. The said document specifies his address and such address is within the jurisdiction of this Court. The legal heirship certificate, in respect of Robert Thiagarajan, specifies the names of the three petitioners as his surviving legal heirs. The powers of attorney executed by the second and third petitioners in favour of the first petitioner are placed on record (Exs.P3 and P4). As evidence of title to the securities, a statement of holding has been exhibited as Ex.P5. Paper publication was effected (Ex.P6).



O.P.No.508 of 2022

WEB COPY

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

5. Therefore, O.P.No.508 of 2022 is allowed by granting a succession certificate to the petitioners in respect of the securities described in the schedule to the petition. The petitioners shall be entitled to collect the securities, receive dividends and interest thereon and negotiate and transfer the same.

08.02.2023

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Index : Yes

Petitioner's witness:

P.W.1 – Mrs.Geetha Thiagarajan

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Robert Thiagarajan.
Ex.P2	The computer generated Legal Heirship Certificate of Robert Thiagarajan.
Ex.P3	The original specific power of attorney dated 13.11.2019



O.P.No.508 of 2022

<i>Exhibits</i>	<i>Documents</i>
	executed by the 2 nd petitioner in my favour.
Ex.P4	The original specific power of attorney dated 25.11.2019 executed by the 3 rd petitioner in my favour.
Ex.P5	The online printout of statement of holding as on 25.10.2021 issued by the HDFC Bank Limited in respect of shares and securities held by Pichai Robert Thiagarajan in DP account No.03962821.
Ex.P6	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 13.11.2022.

08.02.2023

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O.P.No.508 of 2022

SENTHILKUMAR RAMAMOORTHY,J

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O.P.No.508 of 2022

08.02.2023