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O.P.No.712 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.712 of 2022

1.A.Ramajothi
2.Muthu Sangameshwar
3.Arunadevi

... 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 1st petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities as specified in the schedule hereto.

For Petitioners : M/S.V.Sithannan

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 M.Bhubalakrishnan.

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

The securities set out in the schedule of the petition belongs to one M.Bhubalakrishnan and he died on 09.06.2020. The 1st petitioner is the wife



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and the petitioners 2 & 3 are the children of late M.Bhubalakrishnan. Since M.Bhubalakrishnan died intestate leaving behind the petitioners as his 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 herself as PW.1 and Ex.P1 to Ex.P14 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the petitioner's PAN card. (compared with the original)
Ex.P2	The photocopy of the Petitioner's Rental Agreement dated 01.08.2021 to disclose the Petitioner's residential address (compared with the original)
Ex.P3	The photocopy of the Aadhar Card of Mr.Bhubalakrishnan ((compared with the original)
Ex.P4	The photocopy of the PAN Card of the deceased Mr.Bhubalakrishnan (compared with the original)
Ex.P5	The computer generated death certificate of Mr.Bhubalakrishnan
Ex.P6	The Computer generated legal heir certificate of Mr.Bhubalakrishnan.
Ex.P7	The original statement of holding as on 19.10.2021 issued by IIFL Securities Limited, Mumbai-93 in respect of shares and securities held by Mr.M.Bhubalakrishnan in Client ID No.11610082.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P8	The original statement of holding as on 01.11.2021 issued by ICICI Bank Limited, Vellachery, Chennai-42 in respect of shares and securities held by Mr.M.Bhubalakrishnan in Client ID No.33908517.
Ex.P9	The photocopy of the petitioner's Aadhar Card (compared with the original)
Ex.P10	The Online print out of statement for the period 01.09.2021 to 30.09.2021 issued by NSDL in respect of Demate account held by me.
Ex.P11	The online print out of statement as on 12.10.2021 issued by ICICI Bank, Vellachery Branch in respect of savings bank passbook details held by the petitioner.
Ex.P12	The photocopy of the power of attorney dated 04.02.2022 executed by 2 nd petitioner in the petitioner's favour (Compared with the original)
Ex.P13	The photocopy of the power of attorney dated 17.12.2021 executed by 3 rd petitioner in the petitioner's favour (Compared with the original)
Ex.P14	The copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural' dated 17.02.2023.

5. Ex.P5 is the death certificate of M.Bhubalakrishnan who died on 09.06.2020 and the legal heir certificate of the deceased is marked as Ex.P6 and that would show that the petitioners alone are the legal heirs of the deceased. Since the deceased died intestate the petitioners who are the legal



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heirs have got the right 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.

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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