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O.P.No.369 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.369 of 2022

Sanjay Zachariah

... Petitioner

Vs.

1. Santhosh Zachariah

2. Suraj Zachariah

3. Rekha Thomas

4. Ribekha Zachariah

... Respondents

Original Petition is filed under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner with the power to collect the securities and to receive the interest, dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Ms.Deepika Murali

ORDER

This petition is filed under section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the petitioner with the power to collect the securities and to receive the interest, dividends thereon and negotiate and transfer the securities specified in the schedule hereto.



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

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The petition mentioned securities were originally owned by one P.K.Zachariah who is the father of the petitioner and the respondents. The said P.K.Zachariah died on 08.04.2013 by leaving behind the petitioners alone as his legal heirs. The wife of P.K.Zachariah, Achamma Zachariah, predeceased him on 01.02.2013. Since the said P.K.Zachariah died intestate by leaving the petitioner and the respondents as his only legal heirs, they have filed this petition seeking succession certificate to transfer the securities in their name.

3. The petitioner examined himself as P.W.1 and marked Exs.P1 to P9.

4. Exs.P1 and P.2 are the death certificates of the P.K.Zachariah and his wife. Ex.P3-legal heirship certificate of P.K.Zachariah would show that the petitioner and the respondents are his only legal heirs. The respondents, who are the other siblings of the petitioner, have given consent affidavit which are available as Ex.P4 to P7.

5. Since the deceased P.K.Zachariah died intestate by leaving petitioner and the respondents as his only legal heirs they are entitled to



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inherit the securities. However, the respondents have given their consent to grant succession certificate in favour of the petitioner. Since the petitioner has proved his claim and the respondent has also given consent affidavit in favour of the petitioner, he is entitled for grant of succession certificate.

6. Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioner, with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule on payment of appropriate succession duty, if it not paid already.

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Witnesses examined:

P.W.1 – Sanjay Zachariah

Documents marked :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of P.K.Zachariah
Ex.P2	Computer generated death certificate of Achamman Zachariah
Ex.P3	Legal heirship certificate of Zachariah
Ex.P4	Consent affidavits of the first respondent
Ex.P5	Consent affidavits of the second respondent
Ex.P6	Consent affidavits of the third respondent
Ex.P7	Consent affidavits of the fourth respondent
Ex.P8	Photocopy of petitioner's Aadhar card
Ex.P9	Computer generated copy of the Statement of valuation and the details of the securities mentioned in the schedule in respect of Zachariah

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