



O.P.No.177 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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1. V.S.Raghuraman
2. N.Shanthi
3. N.Ramakrishnan
4. N.Srikanth
5. V.Chandrasekaran
6. V.C.Sailakshmi
7. C.Aiswarya
8. Nandhini
9. Mahesh Ganesan @ Magesh K Ganesan
Represented by Power Agent
K.Anand

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Petitioners

Original Petition is filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the petitioners with power to collect the securities and to receive the dividends thereon, negotiate and transfer the securities specified in the Schedule thereto.

For Petitioners : Mr.S.Raja Ravi Varma



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ORDER

WEB COPY The petition has been filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the petitioners with the power to collect the securities and to receive the dividends thereon, negotiate and transfer the securities specified in the Schedule thereto.

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

The petitioners are the Class-I and Class-II legal heirs of one V.N.Vembu Iyer who died intestate on 12.07.1993. The wife of V.N.Vembu Iyer died on 10.11.2013. The said V.N.Vembu Iyer had three sons by name V.S.Narayanan, V.S.Sridhar and V.S.Raghuraman and one daughter by name Malathi. Except V.S.Raghuraman who is the first petitioner herein, other two sons and one daughter died. Hence the legal heirs are impleaded as petitioners 3 to 9. V.S.Narayanan died intestate on 15.12.2018 and the second, third and fourth petitioners are his wife and sons. One of the sons of V.S.Sridhar died intestate in the year 1978 leaving behind his only daughter Dharani. The said Dharani died intestate on 26.03.2010 leaving behind her husband and children who are the fifth, sixth and seventh petitioners herein. The daughter of V.N.Vembu Iyer by name Malathi died



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intestate in the year 1989 leaving behind her children who are the eighth and ninth petitioner herein. The petition mentioned assets were owned by V.N.Vembu Iyer. Since V.N.Vembu Iyer and his wife Parvathi died intestate, their legal heirs have filed this petition for grant of succession certificate in respect of the petition mentioned assets.

3. News paper publication effected. No objectors.

4. The first petitioner has examined himself as PW.1 and Exs.P1 to P21 were marked.

5. Exs.P1, P4, P3 & P6 are the death certificates of V.N.Vembu Iyer, his wife Parvathi, and his daughter and son S.Dharani and V.S.Narayanan respectively. Exs.P2, P5 & P7 which are the legal heirship certificates of V.N.Vembu Iyer, S.Dharani and V.S.Narayanan and they would show that the petitioners are their legal heirs. Exs.P8 to P19 are the share certificates owned by V.N.Vembu Iyer.

6. Since the deceased V.N.Vembu Iyer died intestate, the petitioners who are the Class I and Class II legal heirs have got the right to inherit the



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assets mentioned in the schedule. The oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate.

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioners, with the power to collect the securities and to receive dividends thereon and negotiate and transfer the securities specified in the schedule of the petition in the following ratio:

- i) First Petitioner is entitled to 1/4th share
- ii) Petitioners 2 to 4 are entitled to 1/4th share
- iii) Petitioners 5 to 7 are entitled to 1/4th share
- iv) Petitioners 8 & 9 are entitled to 1/4th share

c) The petitioners shall be issued succession certificate in the above manner however, on payment of appropriate succession duty, if not paid already.

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APPENDIX

Witness Examined:

P.W.1 – V.Raghuraman

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the death certificate of V.N.Vembu Iyer (Compared with the original)
P2	Photocopy of the legal heirship of V.N.Vembu Iyer (Compared with the original)
P3	Photocopy of the death certificate of S.Dharani (compared with the original)
P4	Photocopy of the death certificate of Parvathi (compared with the original)
P5	Photocopy of the legal heirship of S.Dharani (Compared with the original)
P6	Computer generated death certificate of V.S.Narayanan
P7	Computer generated legal heirship certificate of V.S.Narayanan
P8	(series 8 Nos.) Photocopies of the share certificate in Britannia Industries Limited standing in the name of V.N.Vembu (compared with the original)
P9	(series 2 Nos.) Photocopies of the share certificate in MC Dowell and company Limited standing in the name of V.N.Vembu (compared with the original)
P10	Photocopy of the share certificate in Escorts Limited standing in the name of V.N.Vembu (compared with the original)
P11	(series 4 Nos.) Photocopies of the share certificates in Cosmo Films Limited standing in the name of V.N.Vembu (compared with the original)
P12	Photocopy of the share certificates in Polyplex Corporation limited standing in the name of V.N.Vembu (compared with the original)
P13	(series 3 Nos.) Photocopies of the share certificates in Surya Roshni Limited standing in the name of V.N.Vembu (compared with the original)
P14	(series 2 Nos.) Photocopies of the share certificates in Deepak



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<i>Exhibits</i>	<i>Documents</i>
	Fertilizers and Petrochemical Corporation standing in the name of V.N.Vembu (compared with the original)
P15	Photocopy of the letter from SRF Limited in respect of shares held by V.N.Vembu (compared with the original)
P16	(series 3 Nos.) Photocopies of the share certificates in SRF Limited standing in the name of V.N.Vembu (Compared with the original)
P17	Photocopy of the share certificate in Carbon and Chemicals India Limited standing in the name of Vengalathur Neelakanta Iyer Vembu (Compared with the original)
P18	Photocopy of the share certificate in Indo Swiss Time Limited standing in the name of Vengalathur Neelakanta Iyer Vembu (Compared with the original)
P19	(series 4Nos.) Photocopies of the share certificate in Raymonds Wollen Mills limited standing in the name of V.N.Vembu (Compared with the original)
P20	Photocopy of the Power of Attorney dated 20.01.2023 executed by 9 th petitioner in favour of Anand Kalyanaraman (Compared with the original)
P21	Paper publication effected in Tamil daily “Makkal Kural” dated 21.06.2023.

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