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O.P.No. 394 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.09.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 394 of 2022

J.Naveen

...

Petitioner

Vs.

1.J.Nirmala

2.J.Anitha

...

Respondents

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 petitioner with the power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule hereunder.

For Petitioner : M/S.KVP.Deepk Raj

For Respondents : Mr.P.Wilson Topaz

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate by the petitioner in respect of schedule mentioned securities of the deceased S.Janardhanan.

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



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The petition mentioned securities were originally owned by the petitioner's father late S.Janardhanan. The 1st respondent is the wife of S.Janardhanan and the 2nd respondent is his daughter. S.Janardhanan died intestate on 08.08.2020. Since the petitioner is in need of Succession Certificate for transferring the shares in the name of legal heirs of the deceased father, he has filed this petition to seek Succession Certificate in respect of the securities mentioned in the petition.

3. The paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 06.07.2023 did not attract any objectors.

4. The 1st petitioner examined himself as PW.1 and Ex.P1 to Ex.P3 were marked through him.

5. Ex.P1 is the death certificate of S.Janardhanan and that would show that he died on 08.08.2020. Ex.P3 would show that the petition mentioned shares stood in the name of late S.Janardhanan. The legal heir certificate of the deceased is marked as Ex.P2 and that would show that the petitioner and the respondents 1 and 2 are the only surviving legal heirs of the deceased. The respondents 1 to 2 have given their consent affidavit in favour of the petitioner to issue the succession certificate.

6. Since S.Janardhanan died intestate, the petitioner and the respondents, who are his only surviving legal heirs are entitled to inherit the



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securities themselves equally. In view of the consent given by the respondents 1 to 2 in favour of the petitioner the prayer sought by the petitioner for granting of Succession Certificate should be allowed.

7. Hence:

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

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

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jrs

Index :Yes/No



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APPENDIX

Petitioner's witness:

P.W.1 – Mr.J.Naveen

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The online copy of the death certificate of Janardhanan died on 08.08.2020.
Ex.P2	The online copy of the legal heir certificate of Janardhanan dated 24.10.2020.
Ex.P3	The xerox copy of equity share certificate in the name of Janardhanan. (subject to proof and relevance)

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