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O.P.No.750 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.750 of 2022

1. R.Ranganayaki

2. K.Sakunthala

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Petitioners

Original Petition 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 to the petitioners with the power to receive the securities, interest and dividends and negotiate and transfer of the scheduled shares hereto.

For Petitioners : Mr.G.Perumal

ORDER

The petition 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 power to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule.



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

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The securities set out in the schedule of the petition belongs to one M.K.Rajagopalan. The 1st petitioner is the wife and the second petitioner is the mother of the deceased M.K.Rajagopalan. Since M.K.Rajagopalan 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 first petitioner examined herself as PW.1 and Ex.P1 to Ex.P23 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated Death certificate of M.K.Rajagopalan
Ex.P2	Computer generated legal heirship certificate of M.K.Rajagopalan
Ex.P3	Photocopy of first petitioner's Aadhar Card (Compared with the original)
Ex.P4	Photocopy of the Aadhar Card of the second petitioner (compared with the original)
Ex.P5	Photocopy of the share certificate in Housing Development Finance Corporation Limited bearing Certificate No.000008867 standing in the name of K.Raajagopalan Sharma



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<i>Exhibits</i>	<i>Documents</i>
Ex.P6	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213020 standing in the name of K.Rajagopalan (compared with the original)
Ex.P7	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213021 standing in the name of K.Rajagopalan (compared with the original)
Ex.P8	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213022 standing in the name of K.Rajagopalan (compared with the original)
Ex.P9	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213023 standing in the name of K.Rajagopalan (compared with the original)
Ex.P10	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213024 standing in the name of K.Rajagopalan (compared with the original)
Ex.P11	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213025 standing in the name of K.Rajagopalan (compared with the original)
Ex.P12	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213026 standing in the name of K.Rajagopalan (compared with the original)
Ex.P13	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.213027 standing in the name of K.Rajagopalan (compared with the original)
Ex.P14	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing



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<i>Exhibits</i>	<i>Documents</i>
	Certificate No.213028 standing in the name of K.Rajagopalan (compared with the original)
Ex.P15	Photocopy of the Share certificate in Shriram Transport Finance company Limited bearing Certificate No.603235 standing in the name of Rajagopalan Sharka K (compared with the original)
Ex.P16	Photocopy of the Share Certificate in Shriram Transport Finance Company Limited bearing Certificate No.6955 standing in the name of Raajagopalan Sharma K (compared with the original)
Ex.P17	Photocopy of the Share Certificate in Shriram Transport Finance Company Limited bearing Certificate No.11046 standing in the name of Raajagopalan Sharma K (compared with the original)
Ex.P18	Photocopy of the Share Certificate in TVS Motor Company Limited bearing Certificate No.6259 standing in the name of Raaja Gopalan Sharma K (compared with the original)
Ex.P19	Photocopy of the Share Certificate in TVS Motor Company Limited bearing Certificate No.17151 standing in the name of Raaja Gopalan Sharma K (compared with the original)
Ex.P20	Photocopy of the Share Certificate in TVS Motor Company Limited bearing Certificate No.17149 standing in the name of Raajagopalan Sharma K (compared with the original)
Ex.P21	Photocopy of the Share Certificate in TVS Motor Company Limited bearing Certificate No.010485 standing in the name of Raaja



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<i>Exhibits</i>	<i>Documents</i>
	Gopalan K (compared with the original)
Ex.P22	Photocopy of the Share Certificate in India Nippon Electricals Limited bearing Certificate No.382 standing in the name of K.Raaja Gopalan Sharma (compared with the original)
Ex.P23	Copy of paper publication effected in one issue of Tamil daily “Malai Murasu” dated 06.03.2023.

5. Ex.P1 is the death certificate of M.K.Rajagopalan who died on 22.06.2020. Ex.P2 is the computer generated legal heirship certificate of the deceased which would show that the petitioners alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioners who are the legal 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 to them.

6. The above documentary evidence produced by petitioners would prove their entitlement for the grant of Succession Certificate as prayed.



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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.

06.07.2023

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Index :Yes/No



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Petitioner side witness:

P.W.1 – Mrs.R.Ranganayaki

Documents marked on the side of the petitioners:

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