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O.P.No.358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.358 of 2022

1. Mrs. Seetha A Raman
D/o. P.S. Padmanabhan
2. Mr. P. Vasanthakumar,
S/o. P.S. Padmanabhan
3. Mr. P. Krishnamurthi,
S/o. P.S. Padmanabhan
71, Neville Court, 8 Abbey Road,
St. Johns Wood, London NW8 9DB,
United Kingdom
Represented by his Power Agent,
P. Hariharan/5th petitioner herein,
50/197D, PRA 194, Sahyadri,
Ponevazhi New Cross Road, AIMS Ponekkara Post,
Cochin-682 041,
Kerala.
4. Mr. P. Chandrasekhar,
S/o. P.S. Padmanabhan
5. Mr. P. Hariharan,
S/o. P.S. Padmanabhan
6. Mr. P. Balasubramanian
S/o. P.S. Padmanabhan



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520, Jelapang Road, #04-283, Singapore-670520

Represented by his Power Agent

P.Hariharan/5th Petitioner herein

Sahyadri, Ponevazhi New Cross Road,

AIMS Ponekkara Post,

Cochin-682041, Kerala.

7. Mrs.Latha N.Sarma @ Latha N Sharma
D/o.P.S.Padmanabhan

8. Mrs.Radha Parameswaran
D/o.P.S.Padmanabhan
12 Deer Meadow Court,
Danville. CA94506
U.S.A. Represented by her Power Agent,
P.Hariharan/5th Petitioner herein
50/197D, PRA 194,
Sahyadri, Ponevazhi New Cross Road,
AIMS Ponekkara Post,
Cochin-682 041, Kerala.

9. Mr.P.Ramamurti @ P.Ramamoorthi,
S/o.P.S.Padmanabhan

10. Mr.P.Vishwanathan @ P.Vishwanath,
S/o.P.S.Padmanabhan,
1, Loker Street, Wayland, MA0778,
U.S.A. Represented by his Power Agent,
P.Hariharan/5th Petitioner herein
50/197D, PRA 194, Sahyadri,
Ponevazhi New Cross Road,
AIMS Ponekkara Post,
Cochin -682041, Kerala.

... Petitioners



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PRAYER: Original Petition filed for Succession Certificate in respect of shares belong the deceased P.S.Padmanabhan and Savithri Padmanabhan under Section 372 Part X of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, pleased to grant succession certificate to the 5th petitioner with power to collect the Securities, and interest, dividends thereon and negotiate and transfer the Securities specified in the schedule hereto.

For Petitioner : Mr.M.Suresh

ORDER

The petitioners seek the grant of succession certificate in respect of the estate of their deceased parents, P.S.Padmanabhan and Savithri Padmanabhan.

2. The petitioners assert that their late father died intestate at Anna Nagar, Chennai, which is within the jurisdiction of this Court, on 27.07.1994. The petitioners' mother also died intestate on 31.01.1986. The petitioners' paternal grandmother pre-deceased him. Consequently, on the basis that the petitioners are the only class I legal heirs of the deceased, the present petition is filed.



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3. For purposes of establishing entitlement to the relief claimed, the petitioners adduced evidence by examining the fifth petitioner as PW1. In course of the examination-in-chief of PW1, the 18 documents listed at the foot of this order were exhibited as Exs.P1 to P18. The death certificate of the father of the petitioners (Ex.P1) discloses that he died on 27.07.1994. The death certificate of the petitioners' mother (Ex.P3) discloses that she died on 31.01.1986. The legal heirship certificate in respect of the petitioner's father discloses the names of the ten petitioners herein as the surviving class I legal heirs. It also records that his parents and wife predeceased him. The consent affidavits of the first, second, fourth, seventh and ninth petitioners are on record. In addition, powers of attorney executed by the third, sixth, eighth and tenth petitioners in favour of the fifth petitioner are on record. Paper publication was effected (Exs.P17). As evidence of title of the deceased parents of the petitioners to the relevant securities, Exs.P4 to P7 and P18 are placed on record.

4. On the basis of the assertions in the petition and evidence adduced by the petitioners, the petitioners are entitled to the relief claimed.



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Consequently, O.P.No.358 of 2022 is allowed by directing that a succession certificate be issued to the fifth petitioner in respect of the securities described in the schedule to the petition. As a corollary, the fifth petitioner shall be entitled to collect the securities, receive dividends thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioners' witness:

P.W.1 – Mr.P.Hariharan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of Mr.P.S.Padmanabhan (Compared with the original).
Ex.P2	The photocopy of the Legal Heirship certificate of P.S.Padmanabhan along with the proceedings of the Tahsildar dated 06.08.2004 issued by the Tahsildar, Egmore, Nungambakkam Taluk, Chennai-31 (Compared with the original)..
Ex.P3	The photocopy of the death certificate of Savithri Padmanabhan (Compared with the original).
Ex.P4	The original letter dated 03.01.2018 sent by the ITC Limited



<i>Exhibits</i>	<i>Documents</i>
	to the 5 th petitioner regarding the transmission of shares.
Ex.P5	The original valuation certificate dated 09.12.2021 issued by the Chartered Accountant in respect of the shares held by Mr.P.S.Padmanabhan and Mrs.Savithri Padmanabhan (No valuation certificate is produced to show the exact value of shares of Mr.P.S.Padmanabhan predeceased separately. Counsel states that P.Savithri Pdmanabhan predeceased P.S.Padmanabhan, therefore separate valuation certificate is not necessary. Marked subject to its proof and relevancy. The same will be decided later)
Ex.P6	The e-mail dated 24.12.2020 sent by the ITC Limited to the 9 th petitioner along with the 65B certificate.
Ex.P7	(series 9 Nos.) are the photocopies of the share certificates of I.T.C. Limited standing in the name of Pallavoor Sahasranama Iyer Padmanabhan (Compared with the originals).
Ex.P8	The consent affidavit given by the 1 st petitioner.
Ex.P9	The consent affidavit given by the 2 nd petitioner..
Ex.P10	The original specific power of attorney dated 15.12.2021 executed by the 3 rd petitioner in my favour.
Ex.P11	The consent affidavit given by the 4 th petitioner.
Ex.P12	The original deed of general power of attorney dated 18.02.2022 by the 6 th petitioner in my favour.
Ex.P13	The consent affidavit given by the 7 th petitioner.
Ex.P14	The original deed of general power of attorney dated 23.01.2022 by the 8 th petitioner in my favour.
Ex.P15	The consent affidavit given by the 9 th petitioner.
Ex.P16	The original deed of general power of attorney dated 30.09.2021 by the 10 th petitioner in my favour
Ex.P17	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 12.10.2022.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P18	(Series 6 Nos) are the photocopies of the share certificates issued by I.T.C. Limited which stand in the name of Mrs.Savithiri Padmanabhan (Compared with the original)

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