



O.P.No.368 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.02.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**O.P.No.368 of 2022**

1.B.Dinesh Mallya  
2.Malathi Radhakrishna Pai  
3.B.Harish Mallya

... Petitioners

**PRAYER:** Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioners with the power to collect the securities and to receive interest, dividend thereon and negotiate and transfer the securities morefully described in the schedule.

For Petitioners : Mr.T.Sundar Rajan

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**ORDER**

The petitioners seek the grant of a succession certificate in relation to the securities described in the schedule to the petition.



2. The petitioners assert that they are the children of the late

B.A.Mallya @ Bantwal Anand Mallya, who died on 10.01.1994. The petitioners assert that he ordinarily resided at the address specified in paragraph 3 of the petition, which is within the jurisdiction of this Court. According to the petitioners, their mother, Mrs.Ramani Mallya, pre-deceased their father. By asserting that they are the only Class-I legal heirs, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the first petitioner adduced evidence by examining himself as P.W.1. In course of the examination in chief of P.W.1, the 9 documents listed at the foot of this order were exhibited as Exs.P1 to P9. The death certificate of B.A.Mallya(Ex.P2) discloses that he died on 10.01.1994. It also discloses his permanent address, which is within the jurisdiction of this Court. The death certificate of the petitioners' mother (Ex.P1) discloses that she died on 21.02.1988. The legal heirship certificate(Ex.P3) in respect of B.A.Mallya contains the names of the three petitioners herein as the Class - I legal heirs and it also discloses that the parents of the late B.A.Mallya pre-deceased



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him. As evidence of the title of the deceased to the securities, Exs.P4 to P8 are placed on record. Paper publication was effected (Ex.P9).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed. Hence, O.P.No.368 of 2022 is allowed by granting a succession certificate to the petitioners in respect of the securities described in the schedule to the petition. The petitioners are, therefore, entitled to collect the securities, receive dividends thereon and negotiate and transfer the same.

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Index : Yes / No

Internet : Yes / No

**Petitioner's witness:**

P.W.1 - Mr.B.Dinesh Mallya

**Documents exhibited by the petitioners:**

| <i>Exhibits</i> | <i>Documents</i>                                      |
|-----------------|-------------------------------------------------------|
| Ex.P1           | Computer generated death certificate of Ramani Mallya |
| Ex.P2           | Computer generated death certificate of B.A.Mallya    |



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| <b><i>Exhibits</i></b> | <b><i>Documents</i></b>                                                                                                                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P3                  | Photocopy of the Legal Heirship certificate                                                                                                                                                                        |
| Ex.P4                  | Photocopy of the letter dated 15.09.2020 from the petitioners to the Indian Organic Chemicals Limited in respect of transfer of shares held by Mr.B.Ananda Mallya.                                                 |
| Ex.P5                  | Photocopy of the letter dated 15.09.2020 from the petitioners to the Guest Keen Williams Limited in respect of transfer of shares held by Mr.Bantwal Ananda Mallya                                                 |
| Ex.P6                  | Photocopy of the letter dated 24.10.2020 in respect of transmission of shares in Philips Lighting India Limited held by Mr.Bantwal Ananda Mallya addressed to the petitioner by Kfin Technologies Private Limited. |
| Ex.P7                  | Photo copy of the letter dated 26.10.2020 in respect of transmission of shares in Philips India Limited held by Mr.Bantwal Ananda Mallya addressed to the petitioner by Kfin Technologies Private Limited.         |
| Ex.P8                  | Photocopy of the letter dated 07.08.2021 in respect of shares in Linde India Limited held by Mr.Bantwal Ananda Mallya addressed to the petitioner by Link Intime India Private Limited.                            |
| Ex.P9                  | Paper publication effected in one issue of Tamil daily "Dina Kural" dated 06.09.2022.                                                                                                                              |

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