



O.P.No.584 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.584 of 2021

M.Ramesh

...

Petitioner

Vs.

1. Sundari Mani
2. Mani Shankar
3. M.Ramani

... Respondents

Original 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, to grant succession certificate to the petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule.

For Petitioner : Mr.Niranjan Rajagopalan

For Respondents : No appearance



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ORDER

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This petition is 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 interests, dividends thereon and negotiate and transfer the securities specified in the schedule.

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

The schedule securities are owned by the father of the petitioner by name S.Mani. The said S.Mani died intestate on 27.02.1995 leaving behind the petitioner and the respondents as his legal heirs. The first petitioner, second and third respondents are the sons and the first respondent is the wife of the deceased S.Mani. The wife and other sons of deceased S.Mani have given consent for grant of succession certificate in favour of the petitioner. Hence this petition has been filed by the petitioner for grant of succession certificate.

3. The petitioner examined himself as P.W.1 and the following documents have been marked:



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<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of S.Mani
P2	Photocopy of the legal heirship certificate of Dr.S.Mani
P3	(Serial 3 Nos.) Photocopies of the share certificate of Kovai Medical Centre and Hospital Limited standing in the name of S.Mani (Compared with original)
P4	(Serial 3 Nos.) Photocopies of the consent affidavits of transmission of shares in favour of the petitioner along with no-objection letter given by the respondents (compared with the originals)
P5	Photocopy of the application dated 01.10.2020 for transmission of shares by the petitioner (Compared with the original)
P6	Photocopy of the rejection letter dated 09.10.2020 of GNSA Infotech Private Limited who is an agent of Kovai Medical Center and Hospital Limited (Compared with the original)
P7	Copy of paper publication effected in one issue of Tamil daily "Maalai Malar" dated 16.02.2022.
P8	Consent affidavit given by the first respondent
P9	Consent affidavit given by the second respondent
P10	Consent affidavit given by the third respondent

4. The death certificate of S.Mani has been produced as Ex.P1 and from Ex.P2 - legal heirship it is seen that the petitioner and the respondents are the only legal heirs of the deceased. Ex.P3 would show that the deceased had owned shares in Kovai Medical Centre and Hospital Pvt. Ltd.

5. The respondents have given their no-objection letter and they have been marked as Ex.P4. The consent affidavits of the respondents are marked as Exs.P8 to P10. Paper publication effected in one issue of Tamil daily



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“Maalai Malar” on 16.02.2022 attracted no objectors.

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6. Since the father of petitioner died intestate by leaving all the schedule securities, it necessitated the petitioner to file this petition for grant of succession certificate. Since the petitioner is the legal heir of the deceased S.Mani and the respondents have given consent in favour of the petitioner, I feel that the petitioner is entitled to the relief as claimed.

7. Hence:

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

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

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Petitioner side witness:



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P.W.1 – M.Ramesh

Documents marked by P.W.1:

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R.N.MANJULA, J.

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