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O.P.No.359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.03.2023**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.359 of 2022

1. S.Chidambaram
S/o. Late N.Sankara Iyer

2. Poorna Rajan
W/o.S.Venkataraman

.. Petitioners

VS.

Kanthimathi Srinivasan
alias Akhila Srinivasan
W/o.V.Srinivasan

... Respondent

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the O.S.Rules, prays that a Succession Certificate may be granted to the 2nd Petitioner with power to collect the Securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule hereto as mentioned.

For Petitioners : Mr.S.Vijayanand for
M/s.S.Balasubramanian

For Respondent : M/s.A.Vignesh



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ORDER

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2. The petitioners state that the wife of the first petitioner and the mother of the second petitioner and the respondent, Mrs.R.Nagalakshmi, died on 20.12.2009 and that no Will was found in spite of a diligent search for the same. It is further stated that the deceased resided at Anna Nagar, Chennai, which is within the jurisdiction of this Court. The petitioners state that the two petitioners and the respondent are the only class I legal heirs of the deceased.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the second petitioner as PW1. In course of her examination-in-chief, the 9 documents listed at the foot of this order were exhibited as Exs.P1 to P9. The death certificate of Mrs.R.Nagalakshmi (Ex.P1) discloses that she died on 20.12.2009. This document also specifies her address and the said address is within the jurisdiction of this Court. The legal heirship certificate in respect of Mrs.R.Nagalakshmi (Ex.P2) discloses the names of the parties to this petition as her class I legal heirs. As evidence



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of title to the securities, the petitioners have placed on record Exs.P3 to P6.

The consent affidavits of the first petitioner and the respondent, respectively, are on record (Exs.P7 and P8). 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. Consequently, O.P.No.359 of 2022 is allowed by granting a succession certificate to the second petitioner in respect of the securities described in the schedule to the petition. Consequently, the second petitioner is 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 – Mrs.Poorna Rajan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The Computer generated death certificate of Mrs.R.Nagalakshmi.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P2	The photocopy of the Legal Heirship Certificate of Mrs.R.Nagalakshmi (Compared with the originals).
Ex.P3	(Series 3 Nos.) are the photocopies of the share certificates issued by TATA Elxsi (India) Limited standing in the name of Mrs.R.Nagalakshmi (Compared with the originals).
Ex.P4	(Series 23 Nos.) are the photocopies of the share certificates issued by Gujarat Alkalies and Chemicals Limited standing in the name of Mrs.R.Nagalakshmi (Compared with the originals).
Ex.P5	(Series 3 Nos.) are the photocopies of the share certificates issued by Indian Explosives Limited standing in the name of Mrs.Nagalakshmi Chidambaram (Compared with the originals)
Ex.P6	The photocopy of the letter dated 13.05.2022 addressed to me by C.B. Management Services (P) Limited (Compared with the originals).
Ex.P7	The consent affidavit given by the 1 st petitioner.
Ex.P8	The consent affidavit given by the respondent.
Ex.P9	The copy of paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 02.11.2022.

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