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O.P.No.390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 390 of 2022

P.A.Arunodayan

... Petitioner

Vs.

1. P.A.Vijaya @ Shanthi

2. P.A.Abhirami Sundari

3. P.A.Anbuselvi

... Respondents

Original Petition is filed under Part X, Section.372 of the Indian Succession Act, 1925 read with Order XXV, Rule 6 of Original Side Rules seeking for grant of Succession Certificate to the petitioner with power to collect the securities and to receive interest and dividends on and negotiate and transfer the securities.

For Petitioner : Mr.C.S.Kiran

For Respondents 1 to 3 : Mr.K.Krishnamoorthy

ORDER

This Original Petition has been filed under part X, Sec.372 of the Indian Succession Act, 1925 read with Order XXV, Rule 6 of Original Side Rules seeking for grant of Succession Certificate to the petitioner with power to collect the securities and to receive interest and dividends on and negotiate and transfer the securities.



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

The petition mentioned assets belonged to one Arunagirinathan who died intestate on 07.08.1999 by leaving behind his wife and son and two daughters. The petitioner is the son and first respondent is the wife and respondents 2 and 3 are the daughters of Arunagirinathan. Since the said Arunagirinathan died intestate, the petitioner and respondents are entitled to inherit the petition mentioned assets left by Arunagirinathan. Hence the petitioner had filed this petition seeking succession certificate.

3. The petitioner examined himself as P.W.1 and Ex.P.1 to P.11 were marked.

4. From Ex.P1 it is seen that Arunagirinathan died on 07.08.1999. From Ex.P.2-legal heirship certificate it is seen that the petitioner and the respondents are his only legal heirs. The death certificate of P.A.Shanmugam who is the father of Arunagirinathan has been produced as Ex.P.3. Ex.P.4 is the death certificate of mother of Arunagirinathan and it is seen that his mother died on 02.04.1994. The consent affidavits given by the respondents 1 to 3 are marked as Exs.P8 to P10.



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5. Paper publication issued in one issue of Tamil daily “Makkal Kural” on 04.07.2023 did not attract any objectors.

6. Since Arunagirinathan died intestate, the petitioner who is his legal heir have got the right to inherit the petition mentioned assets. The above documentary evidence produced by petitioner would prove his entitlement for the grant of Succession Certificate as prayed.

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 debts and to receive the interest specified in the schedule on payment of appropriate succession duty, if it not paid already.

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APPENDIX

Petitioner's witness:

P.W.1 – P.A.Arunodayan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of P.S.Arunagirinathan
P2	Certified copy of the legal heirship certificate of P.S.Arunagirinathan.
P3	Computer generated death certificate of P.A.Shanmugam Chetty.
P4	Computer generated death certificate of Mrs.Babyammal.
P5	Photocopy of the share certificate bearing certificate No.000000226 in Havells India Limited standing in the name of P.S.Arunagirinathan
P6	Photocopy of the share certificate bearing certificate No.00004363 in Ashiana Housing Limited standing in the name of P.S.Arunagirinathan
P7	Photocopy of the Share certificate bearing certificate No.00782 in Symphony Limited standing in the name of P.S.Arunagirinathan
P8	Consent affidavit of the first respondent
P9	Consent affidavit of the second respondent
P10	Consent affidavit of the third respondent
P11	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 04.07.2023.

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