



O.P.No.223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.223 of 2023

1.Pamela Mohan
2.Arun Thomas
3.Niloufer Harris

... Petitioners

PRAYER: Original Petition filed for Succession Certificate 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 powers to collect the Securities and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : Mr.N.V.N.Margandeyan

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned securities of the deceased Gladys Thomas.



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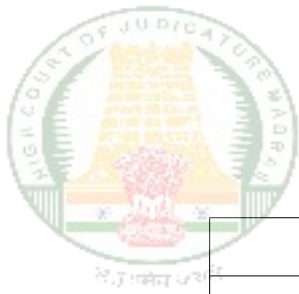
2.The averments in the Petition are as follows:-

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Mrs.Gladys Thomas died intestate on 11.06.2011 leaving behind the petitioners as her legal heirs. The husband of Gladys Thomas also died on 26.09.2017. During the life time of Gladys Thomas, she created some movable assets out of her income. As the legal heirs of Gladys Thomas, the petitioners are entitled to equally inherit the share in the assets left behind by Gladys Thomas. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioners. The said asset in respect of which the succession certificate is required are of the value of Rs.46,36,800/-. Hence, for the purpose of transmitting the securities mentioned in the schedule to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The first petitioner examined herself as PW.1 and Ex.P1 to Ex.P6 were marked through her and they are listed as hereunder:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the computer generated death certificate of Gladys Thomas.
Ex.P2	the original legal heir certificate of Gladys Thomas.
Ex.P3	the computer generated death certificate of John Watkins Thomas.
Ex.P4	the computer generated legal heir certificate of John Watkins Thomas.
Ex.P5	the original share certificate in Bayer Crop Science Limited bearing certificate No.00001007 standing in the name of Gladys Thomas.
Ex.P6	the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 15.06.2023.

5. Ex.P1 is the death certificate of Gladys Thomas who died on 11.06.2011 and the legal heir certificate of the deceased is marked as Ex.P2. Ex.P2 shows that the petitioners alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioners who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. Since the deceased died intestate, the petitioners have filed this Petition for grant of Succession Certificate.



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6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners with power to collect the debts with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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R.N.MANJULA, J.

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