



O.P.No.568 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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Narayan Iyer

... Petitioner

Vs.

1.Shankar Subramaniam

2.Geeta Iyer

3.Lalita Mahadev

... Respondents

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 petitioner with the powers to collect the Securities and to receive interest and dividends, negotiate and transfer the Securities specified in the schedule.

For Petitioner : Mr. A. Rajan

For Respondent : Mr. P. Sivagaminathan

ORDER

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



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K.S.Subramaniam.

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

The petition mentioned properties were originally owned by the parents of the petitioner and the respondents by name K.S.Subramaniam and Luxmi Subramaniam. The mother of the parties viz., Luxmi Subramaniam died intestate on 16.06.2014 by leaving behind her husband K.S.Subramaniam and her four children as a legal heirs. The father of the parties, viz., K.S.Subramaniam also died intestate on 29.09.2018. So, the petitioner and the respondents are the surviving legal heirs of the father and they are entitled to inherit the shares of their parents. Hence, the Original Petition has been filed seeking Succession Certificate in order to transfer the Securities in the names of the parties.

3. The petitioner examined himself as PW.1 and Ex.P1 to Ex.P9 were marked.

4. From the death certificates, Ex.P1 and Ex.P2, it is seen that the parents of the parties died on 16.06.2014 and 29.09.2018 respectively. Ex.P3, legal heir certificate would show that the petitioner and the



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respondents are the only surviving legal heirs of the parents.

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5. The learned counsel for the petitioner submitted that the respondent has also given consent affidavit in order to give a succession certificate in favour of the petitioner. However, the consent affidavit is not marked as a document. The paper publication effected in one issue of Tamil Daily "Makkal Kural" did not attract any objectors. The respondents have received notice and did not file any objections. However, the respondents did not raise any objection after receiving the notice also. Since the deceased died intestate, the petitioner who is his legal heir has got the right to inherit the securities mentioned in the schedule. Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate as prayed by him.



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- (a) this Original 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 the interest and dividends and negotiate and transfer the securities specified in the schedule to the Petition on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No

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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Narayan Iyer

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	The xerox copy of the death certificate of Luxmi Subramaniam dated 21.09.2015. (Respondent side reported no objection).
P2	The online copy of the death certificate of K.S.Subramaniam dated 16.10.2018.
P3	The online copy of the legal heir certificate relating to deceased dated 05.03.2019.
P4	The original statement of account IIFL Securities dated 23.08.2022.
P5	The photocopy of the Aadhar card of K.S.Subramaniam.
P6	The photocopy of the Aadhar card of Narayan Iyer.
P7	The photocopy of the Aadhar card of Shanker Subramaniam.
P8	The photocopy of the passport of Geeta Iyer.
P9	The photocopy of the Aadhar card of Lalita Mahadev.

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