



WEB COPY



O.P.No. 104 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 104 of 2023

S.Srilatha

...

Petitioner

Vs.

1.S.Padmavathy

2.S.Srikumar

...

Respondents

PRAYER: Original Petition filed for Succession Certificate under Section 372 and Part X of the Indian Succession Act XXXIX of 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate be granted to the petitioner with the power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule herein.

For Petitioner : V.G.Sureshkumar

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition mentioned securities owned by late Sankaran Kutty.

2. The shares set out in the petition has been purchased by the father of the petitioner. The respondents are the wife and son of the deceased Sankaran Kutty. The property belonged to the father of the petitioner who



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died intestate leaving behind the petitioner and the respondents 1 and 2 are his only legal heirs. As his legal heirs, the petitioner and the respondents are entitled to get the same. The respondents 1 and 2 have given consent to grant the succession certificate in favour of the petitioner, hence the petitioner has filed this petition seeking to grant succession certificate.

3. The petitioner is examined herself as PW.1 and Ex.P1 to P4 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mr.Sankarankutty
Ex.P2	The computer generated Legal Heirship certificate of Mr.Sankarankutty
Ex.P3	The photocopy of the share certificate of United Spirits Limited bearing certificate No.2645 in respect of Mr.Sankarankutty (compared with the original)
Ex.P4	The copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural' dated 07.06.2023.

4. From the death certificate of Mr.Sankaran Kutty is produced as Ex.P1, it is seen that Mr.Sankaran Kutty died on 21.05.2020. The legal heir certificate of Sankaran Kutty has been marked as Ex.P2 and that would show that except the petitioner and the respondents there are no other legal heirs to him. The second respondent who is one of the sons of Sankaran



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Kutty has been examined as PW.2 and through him the consent affidavit given to the petitioner and the same has been marked as Ex.R1 and Ex.R2.

The paper publication issued in Tamil daily 'Makkal Kural' dated 07.06.2023 did not attract any objectors.

5. In view of oral and documentary evidence produced by the petitioner and also considering the consent given by the respondents 1 and 2 in favour of the petitioner, the prayer sought by the petitioner for grant of Succession Certificate should be granted.

6. Hence:

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

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

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jrs

Index :Yes/No



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