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O.P.No.436 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.01.2023**

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.436 of 2022

Rahul Saraf
S/o.Binod Kumar Saraf,
Old No.148, New No.183,
Poonamallee High Road,
EVR Lane, Kilpauk,
Chennai-600 010.

... Petitioner

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 powers to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the Schedule hereunder.

For Petitioner : Ms.T.K.S.Bharathy Shri

ORDER

The petitioner seeks a succession certificate in respect of the securities listed in the schedule to this petition.



2. The petitioner states that he is the son of the late Binod Kumar

Saraf. The petitioner's father died on 29.12.2001 and ordinarily resided at the address specified in paragraph 2 of the petition, which is within the jurisdiction of this Court. The petitioner further states that his mother, Mrs.Purnima Saraf, predeceased his father and died on 05.10.1994. The petitioner asserts that no Will was found in spite of a diligent search for the same.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence. The petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 6 documents listed at the foot of this order were exhibited as Exs.P1 to P6. Ex.P1 is the death certificate of the petitioner's father. This document discloses that he died on 29.12.2001. The document also discloses the place of death and permanent address, which is within the jurisdiction of this Court. The death certificate of the petitioner's mother, Mrs.Purnima Saraf, is on record (Ex.P6). This document discloses that she died on 05.10.1994. The legal heirship certificate in respect of the late Binod Kumar Saraf is on record. This document, which was issued on 23.06.2005, discloses the name of the petitioner as the only surviving legal heir. On instructions, learned counsel for the petitioner states that the



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mother of the late Binod Kumar Saraf predeceased him and that the petitioner is unable to trace the death certificate. An e-mail from Skyline Financial Services Private Limited has been exhibited to establish the title of the deceased over the securities. Paper publication was also effected.

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Consequently, O.P.No.436 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the securities described in the schedule to the petition. As a corollary, the petitioner is entitled to collect the securities, receive dividends and interest thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mr.Rahul Saraf



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Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The Computer generated death certificate of Binod Kumar Saraf.
Ex.P2	The photocopy of the Legal Heirship Certificate of Binod Kumar (Compared with the original).
Ex.P3	The photocopy of my Aadhaar card (Compared with the original).
Ex.P4	The e-mail dated 31.03.2022 regarding shares from Skyline Financial Services Private Limited (This document is marked subject to its admissibility, proof and relevancy).
Ex.P5	The copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 21.09.2022.
Ex.P6	The Computer generated death certificate of Mrs. Purnima Saraf.



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