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O.P.No.438 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.01.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.438 of 2022

Rahuf 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 under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of the 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 issuance of a succession certificate in respect of the securities listed in the schedule to this petition.



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2. The petitioner asserts that his mother Purnima Saraf died on 05.10.1994. The petitioner further asserts that the deceased resided at the address specified in paragraph 2 of the petition, which is within the jurisdiction of this Court. The petitioner further asserts that the deceased died intestate and that no Will was found in spite of a diligent search for the same. On the ground that the petitioner is the only surviving class I legal heir of the deceased, the present petition is filed.

3. In order to establish entitlement to the relief claimed, the petitioner adduced evidence by examining himself as PW1. The 6 documents listed at the foot of this order were exhibited as P1 to P6, in course of examination-in-chief of PW1. The death certificate of the petitioner's mother (Ex.P1) discloses that she died on 05.10.1994. It also specifies the address of the deceased, which is within the jurisdiction of this Court. The legal heirship certificate in respect of the petitioner's mother (Ex.P2) discloses the names of the petitioner's father, Binod Kumar Saraf, and the petitioner as the then surviving class I legal heirs. The death certificate of the petitioner's father (Ex.P6) discloses that he died on 29.12.2001. As evidence of the ownership of the securities by the deceased, an e-mail dated 31.03.2022 has been exhibited (Ex.P4). Paper publication was effected (Ex.P5)



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4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Accordingly, O.P.No.438 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the securities described in the schedule to the petition. The petitioner shall be entitled to collect the securities, receive dividends and interest thereon and negotiate and transfer the same.

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Index : Yes

Petitioner's witness:

P.W.1 – Mr.Rahul Saraf

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The Computer generated death certificate of Mrs.Purnima Saraf.
Ex.P2	The photocopy of the Legal Heirship Certificate of Purnima Saraf (Compared with the original).
Ex.P3	The photocopy of the petitioner's 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



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<i>Exhibits</i>	<i>Documents</i>
	Tamil daily “Makkal Kural” dated 21.09.2022.
Ex.P6	The computer generated death certificate of Binod Kumar.

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