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O.P.No.442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.442 of 2022

1. Paul Chandra Kumar
2. R.Joseph Premkumar

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Petitioners

Original Petition filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Original Side Rules, to grant succession certificate to the first petitioner with power to collect the securities and to receive dividends on and negotiate and transfer the securities specified in the schedule.

For Petitioners : Mr.R.Krishnan

ORDER

This petition is filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the first petitioner with power to collect the securities and to receive dividends and negotiate and transfer the securities specified in the schedule.

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



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The securities detailed in the schedule of the petition were jointly owned by the parents of the petitioners by name L.S.Richards and Vijayakumari. The father of the petitioners L.S.Richards died on 24.07.2003 and the mother of the petitioners Vijayakumari died on 07.07.2015. Since the parents of the petitioners died intestate by leaving behind the petitioners as their only legal heirs, the petitioners have filed this petition for grant of succession certificate.

3. The first petitioner examined himself as P.W.1 and marked Exs.P1 to P10.

4. Paper publication effected and the same attracted no objectors.

5. The photocopy of the share certificate which has been marked as Ex.P5 would show that the shares belonged to the parents of the petitioners. The death certificate of the father and mother of the petitioners has been marked as Exs.P1 and P3. From Exs.P2 & P4 which are the legal heirship certificates of L.S.Richards and Vijayakumari respectively, it is seen that the petitioners are their only legal heirs. As stated already the father of the petitioners predeceased their mother. The second petitioner has given his



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consent affidavit in favour of the first petitioner for grant of succession certificate.

6. Since the parents of the petitioners who owned the security detailed in the petition died and the petitioners being their legal heirs are entitled to inherit the same equally between themselves. Since the petitioners have proved their claim and the second petitioner has given his consent to grant succession certificate in favour of the first petitioner, he is entitled for grant of succession certificate.

7. Hence:

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

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

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APPENDIX

Petitioner side witness:

P.W.1 – Paul Chandra Kumar

Documents marked by P.W.1:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of Mr.L.S.Richards
P2	Photocopy of the legal heirship certificate of Mr.L.S.Richards (Compared with the original)
P3	Computer generated death certificate of Mrs.Vijaya Kumari
P4	Photocopy of the legal heirship certificate of Mrs.Vijaya Kumari Richards (Compared with the original)
P5	Photocopy of the share certificate of HDFC Bank Limited bearing Certificate No.347641 jointly held by Livingstone Richards and Vijaya Kumari Richards. (The original share certificate has been missed and an online police complaint has been lodged with Sankari-Salem Police Station on 15.05.2019 for the same)
P6	Online printout of the Police complaint lodged with Sankari – Salem Police Station on 15.05.2019 in complaint ID: CEJ19044462 for missing for share certificate.
P7	Online printout of acknowledgment given by Sankari-Salem Police Station dated 15.05.2019 for the complaint lodged
P8	Copy of the letter dated 10.10.2018 addressed to the first petitioner from Datamatics Business Solution asking for Succession Certificate from Competent Court of Law. (Witness states that he received the said document as it is from the sai company. This document is marked subject to admissibility, proof and relevancy.)
P9	Consent affidavit of the second petitioner
P10	Copy of the paper publication effected in one issue of Tamil daily “Dinakukal” on 21.12.2022.

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