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O.P.No.138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.138 of 2023

1. D.Thaiyalnayagi
2. J.Jaganathan
3. J.Jayashri

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Petitioners

Original Petition is filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the second petitioner with power to collect the securities and receive the interest and dividends on and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioners : Ms.S.R.Sumathy

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the second petitioner with the power to collect securities and receive the interest and dividends thereon, negotiate and transfer the securities specified in the Schedule thereto.

2. The petition mentioned movable assets in the form of securities



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were originally belonged to one Jayagopal Madras Govindasamy. The first petitioner is the wife and the second and third petitioners are the children of the deceased Jayagopal Madras Govindasamy. The said Jayagopal Madras Govindasamy died intestate on 28.01.2022 leaving behind the petitioners as his sole legal heirs. Hence the petitioners have filed this petition seeking succession certificate in respect of the petition mentioned securities.

3. The second petitioner examined himself as P.W.1 and Exs.P1 to P6 were marked.

4. The death certificate of Jayagopal Madras Govindasamy is marked as Ex.P1 and the legal heirship certificate of Jayagopal Madras Govindasamy which is marked as Ex.P2 would show that the petitioners are his only legal heirs. The first and third respondent have given their consent affidavit for issuing succession certificate in favour of the second petitioner.

5. Paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.06.2023 attracted no objectors.

6. Since the deceased died intestate, the petitioners who are the legal



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heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. The oral and documentary evidence produced by the second petitioner would prove his entitlement for the grant of Succession Certificate in his favour.

7.Hence:

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

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

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Index :Yes/No



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APPENDIX

Witness Examined:

P.W.1 – J.Jaganathan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of Jayagopal Madras Govindasamy.
P2	Computer generated legal heirship certificate of Jayagopal Madras Govindasamy.
P3	Original statement of holding as on 20.04.2022 in respect of shares and securities held by Jayagopal M.G.bearing client ID No.41054082 issued by Geojt Financial Services Limited
P4	Consent affidavit given by the first petitioner
P5	Consent affidavit given by the third petitioner
P6	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.06.2023.

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