



O.P.No.510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.510 of 2022

1.Mrs.Jeeva Ganesh

(amended as per order dated 01.02.2023 in A.No.389 of 2023)

2.G.Parthasarathy

3.G.Hemnath

... Petitioners

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 first petitioner with the powers to collect the Securities and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : Mr.B.Deepak Narayanan

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the first petitioner in respect of schedule mentioned securities of the deceased R.K.Viswanathan and V.Saraswathi.



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

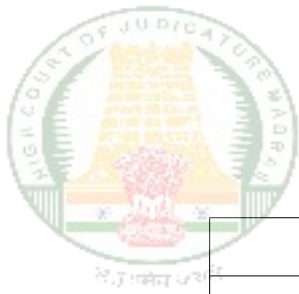
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The securities detailed in the Petition belonged to R.K.Viswanathan and V.Saraswathi who died intestate on 25.01.1994 and 18.07.2009 respectively leaving behind their son V.Ganesh as their legal heir. The said V.Ganesh also died on 22.05.2020 leaving behind his wife who is the first petitioner and his sons who are the 2nd and 3rd petitioners as his legal heirs. After the demise of V.Ganesh, the petitioners are the only surviving legal heirs to inherit the shares held in the name of R.K.Viswanathan and V.Saraswathi. Hence the petitioners have filed this Petition seeking for grant of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The first petitioner examined herself as P.W.1 and Ex.P1 to Ex.P9 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.R.K.Viswanathan.
Ex.P2	The original legal heirship certificate of Mr.R.K.Viswanathan.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	The computer generated death certificate of Mrs.V.Saraswathi.
Ex.P4	The original share certificate of Apollo Hospitals Enterprise Limited bearing certificate No.361028 standing in the name of Mr.R.K.Viswanathan and Mrs.V.Saraswathi.
Ex.P5	The original legal heirship certificate of Mrs.Saraswathi.
Ex.P6	The computer generated death certificate of Mr.V.Ganesh.
Ex.P7	The computer generated legal heirship certificate of Mr.V.Ganesh.
Ex.P8	The original letter dated 07.02.2022 sent by Integrated Corporate Solutions Simplified regarding the transmission of shares.
Ex.P9	The copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.03.2023.

5. Ex.P1 and Ex.P3 are the death certificates of R.K.Viswanathan and V.Saraswathi. Ex.P6 is the death certificate of V.Ganesh. Ex.P7 legal heirship certificate shows that the petitioners are the only legal heirs of the deceased V.Ganesh. Ex.P9 is the paper publication effected in one issue of Tamil Daily “Makkal Kural” on 24.03.2023. Since the deceased died



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intestate, the petitioners who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves.

Therefore, the petitioners have filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the first petitioner, with power to collect the debts with 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 earlier.

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Index :Yes/No
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