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O.P.No.292 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.292 of 2023

1. Alex Abraham
2. Saji Anne Pukadyil @ Anne Omega Pukadyil ... Petitioners

Original Petition filed under Section 372 of the Indian Succession Act, 1925 and Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioners with the power to collect the securities and receive interest and dividends on and negotiate and transfer the securities specified in the schedule.

For Petitioners : Mr.A.R.Nixon

ORDER

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

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



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The petition mentioned securities were jointly owned by the parents of the petitioners by name K.C.Abraham and Annie Abraham. Both the father and mother of the petitioners died intestate on 10.06.2003 and 25.05.2003 respectively. K.C.Abraham had two daughters and one son. One of the daughters by name Selvi Raji who was unmarried, died on 13.05.2016. Since the parents of the petitioners died intestate, the petitioners have filed this petition seeking succession certificate in order to transfer the securities in their name.

3. The first petitioner examined himself as P.W.1 and marked Exs.P1 to P9 .

4. Exs.P3 & P4 are the death certificates of mother and father of the petitioners respectively. The legal heirship certificate of K.C.Abraham which is marked as Ex.P5 would show that the petitioners are his only surviving legal heirs. Ex.P6 is the death certificate of the deceased daughter of K.C.Abraham. Ex.P7 is the notarized affidavit of the second petitioner to show that Dr.Anne Omega Pukadyil and Saji Anne Pukadyil are one and the same person.



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5. Paper publication effected in one issue of Tamil daily “Malai Malar” on 12.08.2023 attracted no objectors.

6. Since the parents of the petitioners died intestate and the petitioners being their only legal heirs have proved their claim with the relevant documents, they are entitled to inherit the petition mentioned securities.

7. Hence:

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

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

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Note: Issue Succession Certificate to the petitioners by 20.09.2023.



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APPENDIX

Petitioner side witness:

P.W.1 – Mr.Alex Abraham

Documents marked by P.W.1:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of P.W.1's Aadhaar Card (compared with the original)
P2	Photocopy of the Aadhaar Card of the second petitioner (compared with the original)
P3	Photocopy of the death certificate of Mrs.Annie Abraham (compared with the original)
P4	Photocopy of the death certificate of Mr.K.C.Abraham (Compared with the original)
P5	Original legal heir certificate of Mr.K.C.Abraham
P6	Computer generated death certificate of Mrs.Raji Abraham
P7	Original affidavit given by the second petitioner that the names Dr.Anne Omega Pukadyil and Saji Anne Pukadyil, both are one and the same person.
P8	(Series 15 nos) are the photocopies of the share certificate of Shri Ram Fibres Limited standing in the name of Mrs.Anne Abraham and Mr.K.C.Abraham (compared with the originals)
P9	Copy of paper publication effected in one issue of Tamil Daily “Malai Malar” dated 12.08.2023.

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