



O.P.No.515 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.515 of 2022

- 1.K.Subramanyan
2. Saraswati Subramanian
3. Lakshmi Ramachandran
4. Lalita Haran

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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 Madras High Court Original Side Rules, to grant succession certificate to the petitioners 1 to 4 with power to collect the securities and to receive interests, dividends thereon and negotiate and transfer the securities specified in the schedule.

For Petitioners : Mr.K.Sivasubramanian



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ORDER

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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 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:-

The petitioners are the sons and daughter of late T.S.Krishnaswamy who died intestate on 12.12.2018. The father of the petitioners T.S.Krishnaswamy was employed in the Department of Collegiate Education in Madhya Pradesh Government and retired on 31.01.1984 as Principal of Government Degree College, Nainpur, Madhya Pradesh and he was a pensioner. In view of the Government Order to raise the pension, T.S.Krishnaswamy was entitled to get the arrears of pension for the period between 01.09.1996 to 31.03.2007 pursuant to the 6th and 7th Pay Commissions. T.S.Krishnaswamy held the following share holdings:

1. Arrears of pension due from Madhya Pradesh Government – App.
Rs.3,00,000/-.



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2. Shareholdings in NSDL DP A/c.No.14657741 valued at

Rs.15,87,312/- as on 27.03.2019.

<i>Sl.No</i>	<i>Name of the Company</i>	<i>No.of shares</i>	<i>Share Certificate No.</i>	<i>Value in Rupees as on</i>
3	RAMCO systems Ltd.	20	51175	4962
4	RAMCO systems Ltd.	57	50791	14,142
5	ICICI Bank Limited	25	00053933	9,795
6	ICICI Bank Limited	2	00943667	784
7	Tata ELXI Ltd.	100	B246886	98,030
8	Ambuja Cements Ltd.	20	00053462	4,597

The petitioner's father also held some assets in the form of security in various companies which are detailed under Schedule VIII of the petition. The wife of T.S.Krishnaswamy predeceased him on 20.10.2017. Since the said T.S.Krishnaswamy died intestate leaving behind the petitioners as his only legal heirs, the petitioners have filed this petition seeking Succession Certificate in respect of the securities mentioned in the petition.

3. The first petitioner K.Subramanyan was examined as P.W.1 and the following documents were marked to substantiate his claim:



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<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated Death Certificate of Mr.T.S.Krishnaswamy
P2	Computer generated Death Certificate of Rukmini Krishnaswamy
P3	Computer generated Legal Heirship Certificate of Mr.T.S.Krishnaswamy
P4	Photocopy of first petitioner's Aadhar Card (compared with original)
P5	Photocopy of Pension Pay Order Book of Mr.T.S.Krishnaswamy (compared with original)
P6	Photocopy of share certificate in ICICI Bank Ltd.bearing Certificate No.00053933 standing in the name of Mr.Krishnaswamy (compared with the original)
P7	Photocopy of share certificate in ICICI Bank Ltd.bearing Certificate No.00943667 standing in the name of Mr.Krishnaswamy (compared with the original)
P8	Photocopy of share certificate in Ambuja Cements Ltd. bearing Certificate No.00053462 standing in the name of Mr.T.S.Krishnaswamy and Mrs.Rukmani Krishnaswamy (compared with the original)
P9	Original statement of holding as on 27.03.2019 issued by NSDL in respect of shares and securities held by Mr.T.S.Krishnaswamy in DP Account No.14657741
P10	Copy of paper publication effected in one issue of Tamil daily "Malai Murasu" dated 06.02.2023.

4. Ex.P1 is the death certificate of T.S.Krishnaswamy and Ex.P2 is the death certificate of the wife of T.S.Krishnaswamy. From the legal heirship certificate of T.S.Krishnaswamy which is marked as Ex.P3, it is seen that the petitioners are the only legal heirs of T.S.Krishnaswamy in their capacity as children.



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5. Paper publication effected in one issue of Tamil daily “Malai Murasu” on 06.02.2023 attracted no objectors.

6. Since the father of the petitioners died intestate by leaving all the movable assets and actionable claim as detailed in the petition and the schedule, it necessitated the petitioners to file this petition for grant of succession certificate. Since the petitioners have proved their claim by producing necessary documentary evidence and they have also proved that they are the only legal heirs of late T.S.Krishnaswamy, I feel that they are entitled to the relief as claimed.

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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Petitioner side witness:

P.W.1 – K.Subramanyan

Documents marked by P.W.1:

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