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O.P.No.367 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.367 of 2022

1.Mr.Sudhir Peter,
S/o.Late John Peer,
25, Central Street, K.G.Colony,
Kilpauk, Chennai-600 010.

2.Mrs.Mary John,
W/o.Late John Peter,
25, Central Street, K.G.Colony,
Kilpauk, Chennai-600 010.

3.Mrs.Shirley George,
D/o.Late John Peter,
Flat No.2B, Leelmere Park,
College Lane, Greaves Road,
Nungambakkam, Chennai-600 006.

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted in favour of the 1st petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities, specified in the schedule hereto and thus render justice.



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For Petitioner : Mr.R.Swarnavel

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ORDER

The petitioners seek the grant of a succession certificate in respect of the securities listed in the schedule to this petition.

2. The petitioners assert that the father of the first and third petitioners and the husband of the second petitioner died intestate on 15.04.2010. The petitioners assert that no Will was found in spite of a diligent search for the same. According to the petitioners, they are the only surviving legal heirs of the deceased, and, therefore, entitled to the relief claimed.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the petitioner as PW1. In course of the examination-in-chief of PW1, the 7 documents listed at the foot of this order were exhibited as Exs.P1 to P7. The death certificate of the first petitioner's father (Ex.P2) discloses that he died on 15.04.2010. It also discloses his address, which is within the jurisdiction of this Court. The legal heirship certificate in respect of the deceased discloses the names of



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the three petitioners as the surviving legal heirs. As evidence of the title of the deceased over the securities, the share certificate is exhibited as Ex.P1.

The consent affidavits of the second and third petitioners are on record (Exs.P5 and P6). Paper publication was also effected (Ex.P7).

4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed. Consequently, O.P.No.367 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities listed in the schedule to the petition. Hence, the first petitioner is entitled to collect the securities, receive dividends thereon, and negotiate and transfer the same.

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mr.Sudhir Peter

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the share certificate bearing certificate No.353104 standing in the name of John Peter issued by the



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<i>Exhibits</i>	<i>Documents</i>
	Apollo Hospitals Enterprise Limited (Compared with the original).
Ex.P2	The computer generated death certificate of John Peter.
Ex.P3	The photocopy of the Legal Heirship Certificate of John Peter (Compared with the original).
Ex.P4	The downloaded copy of the report of National Stock Exchange depicting the current value per share.
Ex.P5	The consent affidavit given by the 2 nd petitioner.
Ex.P6	The consent affidavit given by the 3 rd petitioner.
Ex.P7	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 24.09.2022.

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