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O.P.No. 713 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 713 of 2022

- 1.Charubala Ramamurthy
- 2.Indubala Mani
- 3.R.Jayanthi
- 4.R.Janani
- 5.R.Amritha
- 6.Meena Subramanian
- 7.Chitralekha Srinivasan
- 8.S.Kartik Raghava Murty
- 9.Chandni Srinivasan

... 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 to the 1st, 2nd and 8th petitioners with the power to collect the Security (shares) to receive interest, dividend and Negotiate and transfer the said Securities as specified in the schedule hereto.

For Petitioners : Mr.John Zachariah

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition



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mentioned securities owned by late M.Lakshmi Ammal.

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2. The shares set out in the petition has been purchased by the mother of the 1st and 2nd petitioners. M.Lakshmi Ammal had four children, two sons and two daughters. The husband of M.Lakshmi Ammal predeceased her 31.12.1967. M.Lakshmi Ammal also died on 24.11.1974. One of the predeceased sons of M.Lakshmi Ammal by name R.J. Murthy died on 08.07.1988 by leaving behind his wife and his two children as his legal heirs. The wife of R.J.Murthy also died on 15.03.2005. One of the sons of R.J.Murthy by name J.Ramkumar died on 22.11.2020. The other son of R.J.Murthy and the wife of late J.Ramkumar and her children have been arrayed as Petitioners 3 to 5. The other son of the late M.Lakshmi Ammal by name R.Srinivasan also died on 29.09.1999 leaving behind his wife and two children and they have been impleaded as Petitioners 7 to 9. The daughter of late R.J.Murthy is arrayed as 6th petitioner.

2.1. It is stated that the 8000 shares are of M/s.The Ramco Cements Limited in Folio Number 2614 and certificate No.159360 with Distinct Nos.836201 to 844200 were held by late M.Lakshmi Ammal. As her legal heirs, the petitioners are entitled to get the same. It is further submitted that the petitioners have agreed to divide the securities (shares) of the deceased in the following prepositions:



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a. For Ms.Charubala Ramamurty, the 1st petitioner 3000

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b. For Mrs. Indubala Mani, the 2nd petitioner, 3000

shares bearing Nos.836201 to 842200 and

c. For S.Kartik Reghavamurty, the 8th petitioner, 2000

shares bearing Nos. 842201 to 844200.

3. News paper publication effected. No objectors.

4. The 8th petitioner is examined himself as PW.1 and Ex.P1 to P17

were marked through him and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Srimathi Lakshmi
Ex.P2	The computer generated death certificate of J.Jayalakshmi
Ex.P3	The photocopy of letter dated 30.05.2017 given by The Ramco Cements Limited addressed to me asking for succession certificate from competent court of law in respect shares of Mrs.M.Lakshmi Ammal
Ex.P4	The certified true copy of share certificate in the Ramco Cements Limited bearing certificate No.159360 standing in the name of Smt.M Lakshmi Ammal. (witness states that the original share certificate has been handed over to the company)
Ex.P5	The consent affidavit of 3 rd petitioner
Ex.P6	The consent affidavit of 4 th petitioner



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<i>Exhibits</i>	<i>Documents</i>
Ex.P7	The consent affidavit of 5 th petitioner
Ex.P8	The consent affidavit of 6 th petitioner
Ex.P9	The consent affidavit of 7 th petitioner
Ex.P10	The consent affidavit of 9 th petitioner
Ex.P11	The copy of paper publication effected in Tamil Daily in 'Dina Thanthi' on 18.02.2023
Ex.P12	The photocopy of the probate order granted in OP.NO.164 of 1976 dated 23.01.1976 by this Hon'ble High Court.
Ex.P13	The photocopy of the death certificate of Dr.R.J.Murthy
Ex.P14	The photocopy of the death certificate of Mr.Srinivasan
Ex.P15	The photocopy of the legal heirship certificate of Mr.Srinivasan
Ex.P16	The photocopy of the legal heirship certificate of Mrs.J.Jayalakshmi
Ex.P17	The copy of death certificate of Mr.J.Ramkumar.

5. The deceased M.Lakshmi Ammal during her life time had executed a Will and it has been probated through the order of this Court dated 23.01.1976 made in OP.No.164 of 1976 and the copy of the order of probate is marked as Ex.P12. Despite the securities mentioned in the petition belonged to the said M.Lakshmi Ammal those items were not mentioned in the Will executed by her. Since M.Lakshmi Ammal died and the petitioners who are her legal heirs have become entitled to those securities owned by



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M.Lakshmi Ammal, they have come forward with this petition for grant of Succession Certificates.

6. The above oral evidence of PW.1 and documentary evidence produced, the petitioners have proved their claim. The respective shares of the petitioners has also been stated in the evidence PW.1 for which also there is no objection from any quarters.

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioners 1, 2 & 8, with power to collect the debts with interest and dividends on and negotiate and transfer the securities (shares) specified in the schedule to the petition in respect of their shares on payment of appropriate succession duty, if it not paid already.

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jrs

Index :Yes/No



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