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O.P.No. 469 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 469 of 2022

In the matter of the Indian Succession
Act XXXIX of 1925; and
In the matter of Securities of
N.Lakshmipathy (died) Intestate.

1.Geetha Kavirajan,
2.A.N.Balakrishnan

... 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 in the name of Mrs.Geetha Kaviraja, [the 1st petitioner herein] with the powers to collect the Securities and to receive interest, if any, dividends thereon, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : M/S.C.Jayachithra

ORDER

The petition filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate by the petitioner in respect of schedule mentioned securities of the deceased N.Lakshmipathy.



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

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The petitioners are the class II legal heirs of the deceased N.Lakshmipathy and they are his only legal heirs. N. Lakshmipathy died intestate on 01.05.2019 leaving behind his wife Malini Lakshmipathy who also died on 02.07.2020. The couples did not have any issues out of wedlock. The parents of N.Lakshmipathy also predeceased him. The petitioners are the sisters and brothers of the deceased N.Lakshmipathy and they are the only living class II legal heirs of the deceased. The securities set out in the schedule belonged to N.Lakshmipathy and as his legal heirs, the petitioners are entitled to the same. Hence, for the purpose of transmitting the securities mentioned in the schedule to the name of the petitioners, they have come out with this petition and prayed for the issuance of Succession Certificate.

3. News paper publication effected. There is no objector.

4. The 1st petitioner was examined as PW.1 and Ex.P1 to Ex.P6 were marked.

5. Ex.P1 is the computer generated death certificate of Mr.A.J.Narasimhan. Ex.P2 is the computer generated death certificate of Dhanalakshmi. Ex. P3 is the computer generated death certificate of Mr.N.Lakshmipathy. Ex.P4 is the computer generated death certificate of



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Mrs.Malini Lakshmipathy. Ex.P5 is the computer generated statement of valuation as on 24.06.2022 in respect of the shares held by Mr.N.Lakshmipathy. Ex.P6 is the consent affidavit given by the second petitioner.

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) the petition is ordered and

(b) The Succession Certificate shall be issued in favour of the 1st 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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