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O.P.No.434 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA  
O.P.No.434 of 2022

Mr.S.Ravi

... Petitioner

Vs.

1.Mrs.S.Latha  
2.Mrs.S.Santhi  
3.Mr.S.Ramesh

... Respondents

**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 to the petitioner with the powers to collect the Securities and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioner : Mr.Sampath Kumar & Associates

### **ORDER**

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioner in respect of schedule mentioned securities of the deceased T.Selvaraju and S.Rajamani.

**2.The averments in the Petition are as follows:-**



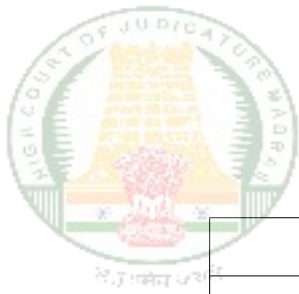
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The petitioner and the respondents are the children of T.Selvaraju and S.Rajamani. T.Selvaraju died on 12.02.2010 and S.Rajamani died on 23.01.2009. The parents of the deceased predeceased them. The deceased during their lifetime jointly purchased 535 equity shares of HDFC Bank Limited. After their demise, the petitioner and the respondents are entitled to claim equal share in the securities of the deceased T.Selvaraju and S.Rajamani as class – I legal heirs. There are no other legal heirs of the deceased except the petitioner and the respondents herein. Therefore, there is no impediment in granting the Succession Certificate in favour of the petitioner. The respondents have expressed their no objection by way of filing consent affidavits. The said securities in respect of which the Succession Certificate is required is of the value of Rs.7,20,912.50/-.

3. Paper publication effected. There is no objector.

4. The petitioner examined himself as PW.1 and Ex.P1 to Ex.P9 were marked through him and they are listed as hereunder:

| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                |
|------------------------|--------------------------------------------------------|
| Ex.P1                  | The photocopy of the death certificate of T.Selvaraju. |
| Ex.P2                  | The computer generated death certificate of            |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                                 |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
|                        | Mrs.S.Rajamani.                                                                                                                         |
| Ex.P3                  | The photocopy of the legal heirship certificate of T.Selvaraju.                                                                         |
| Ex.P4                  | The photocopies of share certificates of HDFC Bank Limited standing in the name of Mr.T.Selvaraju and Mrs.S.Rajamani.                   |
| Ex.P5                  | The photocopy of the letter dated 21.12.2021 issued to the petitioner by Datamatics Business Solution regarding the transfer of shares. |
| Ex.P6                  | The consent affidavit of the first respondent.                                                                                          |
| Ex.P7                  | The consent affidavit of the second respondent.                                                                                         |
| Ex.P8                  | The consent affidavit of the third respondent.                                                                                          |
| Ex.P9                  | The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 18.04.2023.                                 |

5. Ex.P1 and Ex.P2 are the death certificates of T.Selvaraju and S.Rajamani and the legal heir certificate of the deceased T.Selvaraju is marked as Ex.P3. The legal heirship certificate shows that the petitioner and the respondents alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioner and the respondents who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. Therefore, the petitioner has filed this Petition for grant of Succession Certificate.

**R.N.MANJULA, J.**



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6. The above oral and documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate as prayed by him.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the 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 in equal proportion on payment of appropriate succession duty, if not paid earlier.

**31.07.2023**

Index :Yes/No  
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