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O.P.No.593 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.593 of 2022

1.Arti A

2.Shivangee A Desai

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Side Rules, prays to grant a Succession Certificate to the 2nd petitioner namely Shivangee A Desai with power to collect the debts and security and to receive interest and dividends on and negotiate and transfer the securities specified in the Schedule hereunder.

For Petitioner : Mr.Yusuf S.Q

ORDER

The petitioners seek Succession Certificate in respect of the debts and securities held by Atull R.Desai, who died intestate on 12.03.2021. The 1st petitioner is the wife and 2nd petitioner is the daughter of the deceased Atull R.Desai.

2. The 2nd petitioner has been examined as P.W.1. She has produced the death certificate of the deceased Atull R.Desai, as Ex.P1. The legal



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heirship certificate of the deceased Atull R.Desai, has marked as Ex.P4. A perusal of Ex.P4 shows that the petitioners are the only Class-I legal heirs of the deceased Atull R.Desai. The 1st petitioner has filed her consent affidavit expressing her no objection for grant of Succession Certificate in favour of the 2nd petitioner. The said consent affidavit has been marked as Ex.P26. A paper publication has been made and any objections have not been received.

3. In view of the above evidence, the Original Petition is allowed by granting Succession Certificate in favour of the 2nd petitioner, since the 1st petitioner has signified her consent for the grant, in respect of the debts and securities mentioned in the schedule to the petition.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 — Ms.Shivangee A Desai



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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Atull R Desai
Ex.P2	Photocopy of the Aadhaar card of Atull R Desai
Ex.P3	Photocopy of the PAN card of Atull R Desai
Ex.P4	Computer generated legal Heirship certificate of Atull R Desai
Ex.P5	Photocopy of the Aadhaar card of A.Arthi
Ex.P6	Photocopy of the PAN card of Arthi Atul Desai
Ex.P7	Photocopy of the second petitioner's Aadhaar Card
Ex.P8	Photocopy of the second petitioner's PAN Card
Ex.P9	Online printout of NSDL Statement for the period 01.02.2022 to 28.02.2022 in respect of the shares and securities held by Atul R Desai
Ex.P10	Photocopy of the cheque leaf bearing No.484314 and bearing account No.602201200589 held by Atul R Desai in ICICI Bank Ltd., Mylapore Branch
Ex.P11	Photocopy of the share certificate issued by the Nicholas Piramal India Limited standing in the name of Atul R Desai
Ex.P12	Photocopy of the share certificate issued by the McDowell & company Ltd standing in the name of Atul R Desai
Ex.P13	Photocopy of the receipt of acknowledgment of 10 shares issued by the JSW Steel Ltd standing in the name of Atul R Desai bearing certificate No.2641889
Ex.P14	Photocopy of the receipt of acknowledgment of 80 shares issued by the JSW Steel Ltd standing in the name of Atul R Desai bearing certificate No.2641863
Ex.P15	Photocopy of the communication dated 25.03.2019 from Karvy Fintech Private Ltd in respect of 130 shares standing in the name of Atull R Desai
Ex.P16	Photocopy of the receipt of acknowledgment of 250 shares



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<i>Exhibits</i>	<i>Documents</i>
	issued by the Peninsula Land Limited standing in the name of Atul R Desai bearing certificate No.611
Ex.P.17	Photocopy of the share certificate issued by the Peninsula Land Limited standing in the name of Atul R Desai
Ex.P.18	Photocopy of the receipt of acknowledgment of 50 shares issued by the Freedom Registry Limited standing in the name of Atul R Desai bearing certificate No.611
Ex.P.19	Photocopy of the receipt of acknowledgment of 250 shares issued by the Freedom Registry Limited standing in the name of Atul R Desai bearing certificate No.569
Ex.P.20	Photocopy of the share certificate issued by the Balmer Lawrie Limited standing in the names of Arti A Desai and Atul R Desai
Ex.P.21	Photocopy of the share certificate issued by the Savera Enterprises Limited standing in the names of Arti A Desai and Atul R Desai bearing certificate No.29142
Ex.P.22	Photocopy of the share certificate issued by the Savera Enterprises Limited standing in the names of Atul a Desai and Arti R Desai bearing certificate No.29141
Ex.P.23	Photocopy of the receipt of acknowledgment of 100 shares issued by the Cameo Corporate Services Limited standing in the name of Atul R Desai bearing certificate No.37251
Ex.P.24	Photocopy of the receipt of acknowledgment of 100 shares issued by the Savera Industries Limited standing in the name of Atul R Desai bearing certificate No.37250
Ex.P.25	Affidavit filed by the second petitioner under Section 65B of the Indian Evidence Act
Ex.P.26	Consent affidavit given by the first petitioner
Ex.P.27	Copy of paper publication effected in one issue of Tamil daily “Maalai Thamizhagam”, dated 28.11.2022



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