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O.P.No.278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.01.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.278 of 2022

1.R.Raghunthan
2.Ravi Chakravarthy
3.Rama Narasimhan
4.Anuradha Ramaswami

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that the succession certificate may be granted to the first petitioner R.Raghunathan with powers to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in schedule hereunder.

For Petitioners : M/s.C.Hanumantha Rao, S.Mukundan



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ORDER

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2. The petitioners assert that the first petitioner is the son of the late Mr.K.V.Raghavan and the second to fourth petitioners are the children of the pre-deceased daughters of the late Mr.K.V.Raghavan. The petitioners state that Mr.K.V.Raghavan died intestate on 29.03.2006. His wife, R.Maithili, died on 07.10.2009. According to the petitioners, Mr.K.V.Raghavan had two sons and two daughters. The first son, R.Raghunathan, is the first petitioner. The second son, R.Narasimhan, died intestate as a bachelor on 11.01.2017. The first daughter, Mrs.Shantha Chakravarthy, died intestate on 26.05.2021 and her son and daughter are the second and third petitioners herein. The second daughter, Mrs.V.Malathy, died intestate on 23.09.2018 and her only daughter, Mrs.Anuradha Ramaswami, is the fourth petitioner. The petitioners assert that the husbands of Mrs.Shanta Chakravarthy and Mrs.V.Malathy pre-deceased them.



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3. The first petitioner has affirmed an affidavit on 28.01.2023. In the said affidavit, it is stated that the late Mr.K.V.Raghavan, the father of the first petitioner, ordinarily resided at Kodambakkam, Chennai, which is within the jurisdiction of this Court.

4. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as P.W.1. In course of the examination in chief of P.W.1, the 9 documents listed at the foot of this order were exhibited as Exs.P1 to P9. The death certificate of Mr.K.V.Raghavachari / K.V.Raghavan discloses that he died on 29.03.2006. The legal heirship certificate (Ex.P2) discloses the names of Tmt.R.Maithili, Thiru.R.Raghunathan, Thiru.R.Narasimhan, Tmt.C.Shantha and Tmt.V.Malathi as the legal heirs of the late K.V.Raghavan. The legal heirs of the pre-deceased daughters, Tmt.C.Shantha and Tmt.V.Malathi, have been arrayed as petitioners 2 to 4. The petitioner has explained that Thiru.R.Narasimhan died intestate and unmarried. The death certificates of Tmt.R.Maithili, Thiru.Narasimhan, Mrs.V.Malathi and Mrs.Shantha



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Chakravarthy are on record as Exs.P3 to P6. As evidence of title of the deceased over the securities described in the schedule to the petitioner, Exs.P7 and P8 have been placed on record. Paper publication was effected (Ex.P9). In paragraph 9 of the petition, the second to fourth petitioners have stated categorically that they consent to the issuance of a succession certificate in the name of the first petitioner.

5. Based on the assertions in the petition and the evidence recorded in support thereof, the petitioners are entitled to the relief claimed.

5. Accordingly, O.P.No.278 of 2022 is allowed by granting a succession certificate to the first petitioner in respect of the securities specified in the schedule to the petition. Consequently, the first petitioner shall be entitled to collect the securities, receive interest and dividends thereon, and negotiate and transfer the same.

30.01.2023

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Index : Yes / No

Internet : Yes / No

4/6



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Petitioner's witness:

P.W.1 - Mr.R.Raghunathan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of K.V.Raghavachari (Compared with the original).
Ex.P2	Photocopy of the legal heirship certificate of K.V.Raghavachari (Compared with the original).
Ex.P3	Photocopy of the death certificate of R.Maithili (Compared with the original).
Ex.P4	Photocopy of the death certificate of Narasimhan (Compared with the original).
Ex.P5	Photocopy of the death certificate of Mrs.V.Malathy (Compared with the original).
Ex.P6	Photocopy of the death certificate of Shanta Chakravarthy (Compared with the original).
Ex.P7	Letter dated 16.03.2018 issued by Bajaj auto limited addressed to me with regard to transmission of shares held by R.Maithili and Kangayam Varadachary Raghavan.
Ex.P8	Photocopy of the share certificate in MRF limited bearing certificate no. A-194467 held by K.V.Raghavan (Compared with the original).
Ex.P9	Copy of paper publication effected in one issue of Tamil daly "Thina Bhoomi" dated 02.09.2022.



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