



O.P.No.511 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.511 of 2021

Anand Mohan, S.B.P.

...

Petitioner

Vs.

1. Ramalakshmi Devi, Y.A.S.
2. Rammohan Sribalusu Prabhakara Pattabhi
3. Krishna Mohan, S.B.P.S.
4. Madan Mohan, S.B.P.

... Respondents

Original Petition filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioner with power to collect the securities and to receive dividends and transmit or negotiate and transfer the securities specified in the schedule.

For Petitioner : Mr.Umesh Rao.K

For Respondents : Mr.Niranjan Rajagopalan



O.P.No.511 of 2021

ORDER

WEB COPY

This petition is filed under Section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, seeking issuance of Succession Certificate to the petitioner with power to collect the securities and to receive dividends and transmit or negotiate and transfer the securities specified in the schedule.

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

The petition mentioned securities were owned by one S.B.P.V. Chalapati Rao and he died intestate on 06.05.1998 leaving behind his wife and five children as his legal heirs. The wife of S.B.P.V. Chalapati Rao by name S.P.Visalakshamma Died on 18.01.2006 leaving behind the petitioner and the respondents as her legal heirs. Hence the petitioner and the respondents are entitled to inherit 1/5 share equally between themselves.

3. The petitioner examined himself as P.W.1 and marked the following documents:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of S.B.P.V. Chalapati Rao
P2	Photocopy of the legal heirship certificate of S.B.P.V.



O.P.No.511 of 2021

<i>Exhibits</i>	<i>Documents</i>
	Chalapati Rao (Compared with the original)
P3	(Series 15 Nos.) Photocopies of the share certificates in the Andhra Petrochemical Limited standing in the name of S.B.P.V.Chalapati Rao (Compared with the original)
P4	Photocopy of the share certificates in the Carborundum Universal Limited bearing certificate No.1891 standing in the name of S.B.P.V.Chalapati Rao (Compared with the original)
P5	Photocopy of the letter dated 15.02.2011 from K.C.P.Sugar and Industries Corporation Limited addressed to S.B.P. Madhan Mohan with regard to transmission of 1664430 number of shares held by S.B.P.V.Chalapati Rao and asking for Succession Certificate from Competent Court of Law (Compared with the original)
P6	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 20.12.2022.

4. Ex.P1 is the death certificate of S.B.P.V.Chalapati Rao and the legal heirship certificate produced as Ex.P2 would show that his wife and the five children are the legal heirs of the deceased S.B.P.V.Chalapati Rao. Ex.P3 and P5 would show the securities left by the deceased at the time of his death. The first respondent is said to have filed consent memo and the respondents 2 to 4 have filed their consent affidavit and they are available on file.

5. Paper publication effected in one issue of Tamil daily “Makkal Kural” did not attract any objectors.



O.P.No.511 of 2021

6. Since the deceased died intestate by leaving behind the petitioner and respondents as legal heirs, they are entitled to inherit the undivided 1/5 share in the above said securities.

7. Hence:

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

(b) The Succession Certificate shall be issued in favour of the petitioner in respect of 1/5th share of the movable assets in the Schedule, with power to collect the securities and to receive dividends and transmit or negotiate and transfer the securities specified in the schedule on payment of appropriate succession duty, if it not paid already.

14.07.2023

bkn



O.P.No.511 of 2021

Petitioner side witness:

P.W.1 – Anand Mohan, S.B.P.

Documents marked by P.W.1:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated death certificate of S.B.P.V. Chalapati Rao
P2	Photocopy of the legal heirship certificate of S.B.P.V. Chalapati Rao (Compared with the original)
P3	(Series 15 Nos.) Photocopies of the share certificates in the Andhra Petrochemical Limited standing in the name of S.B.P.V.Chalapati Rao (Compared with the original)
P4	Photocopy of the share certificates in the Carborundum Universal Limited bearing certificate No.1891 standing in the name of S.B.P.V.Chalapati Rao (Compared with the original)
P5	Photocopy of the letter dated 15.02.2011 from K.C.P.Sugar and Industries Corporation Limited addressed to S.B.P. Madhan Mohan with regard to transmission of 1664430 number of shares held by S.B.P.V.Chalapati Rao and asking for Succession Certificate from Competent Court of Law (Compared with the original)
P6	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 20.12.2022.

14.07.2023

bkn



WEB COPY



O.P.No.511 of 2021

R.N.MANJULA, J.

bkn

O.P.No. 511 of 2021

14.07.2023