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O.P.No.677 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.677 of 2022

Nikesh Simha

...

Petitioner

Vs.

Keneena Kalai

... Respondent

Original Petition is filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the petitioner Mr.Nikesh Simha with the power to collect the securities and to receive the interests and dividends on, negotiate and transfer the securities specified in the Schedule thereto.

For Petitioners : Ms.S.Meenakshi

For Respondent : Mr.M.Ravindran

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the petitioner with the power to collect securities and receive the interest and dividends



O.P.No.677 of 2022

thereon, negotiate and transfer the securities specified in the Schedule thereto.

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

The petition mentioned shares and securities were owned by one C.R.Neelakantan. The petitioner and the respondent are the son and daughter of the deceased C.R.Neelakantan. The said C.R.Neelakantan died intestate on 30.01.2022 leaving behind the petitioner and the respondent as his sole legal heirs. The wife of C.R.Neelakantan predeceased him on 28.01.2018. The respondent has given her consent for grant of succession certificate in favour of the petitioner.

3. The petitioner is examined as P.W.1 and following documents have been marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Computer generated statement of holdings issued by Karvy Stock Broking in respect of shares held by Mr.C.R.Neelakantan
P2	Computer generated death certificate of Mrs.N.Kesika Devi
P3	Computer generated death certificate of Mr.C.R.Neelakantan
P4	Computer generated legal heirship certificate of Mr.C.R.Neelakantan
P5	Consent affidavit given by the respondent
P6	Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 07.04.2023.



O.P.No.677 of 2022

3. News paper publication effected. No objectors.

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4. Ex.P3 is the death certificate of C.R.Neelakandan who died on 30.01.2022 and the legal heirship certificate of the deceased C.R.Neelakandan which is marked as Ex.P4 would show that the petitioner and the respondent alone are his legal heirs. Ex.P1 is the statement of holdings of C.R.Neelakandan.

5. The respondent has given her consent in order to give succession certificate in favour of the petitioner and that is marked as Ex.P5.

6. Since the deceased died intestate, the petitioner who is the legal heir has got the right to inherit the securities mentioned in the schedule equally among themselves. The oral and documentary evidence produced by the petitioner would prove his entitlement for the grant of Succession Certificate.

7.Hence:

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



O.P.No.677 of 2022

(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 on payment of appropriate succession duty, if not paid already.

20.07.2023

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Index :Yes/No



O.P.No.677 of 2022

APPENDIX

Witness Examined:

P.W.1 – Mr. C.R.Neelakandan

Documents marked:

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O.P.No.677 of 2022

R.N.MANJULA, J.

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O.P.No.677 of 2022

20.07.2023