



WEB COPY



O.P.No.66 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.66 of 2023

1.Joseph Abraham
2.Churian Abraham

... Petitioners

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 petitioners 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 Petitioners : Mr.H.Lucia Priyadarshini

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned securities of the deceased K.V.Abraham.

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



O.P.No.66 of 2023

The petition mentioned securities were originally belonged to K.V.Abraham who is the father of the petitioners. K.V.Abraham died on 26.07.2014. K.V.Abraham had one more son by name George Abraham who also died on 29.10.2015. The said George Abraham had executed a Will in favour of his mother by bequeathing all his assets in her favour. Since the parties belonged to Christian Religion, the Will has not been probated. The mother of George Abraham and the petitioners by name Molly Abraham died on 20.01.2019. As the surviving legal heirs of Abraham and Molly, the petitioners alone are entitled to inherit the petition mentioned securities. Both the mother and father of the petitioners died intestate, the petitioners have filed this petition seeking Succession Certificate. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the petitioners. Since Succession Certificate is required for the purpose of transferring the petition mentioned securities, the petitioners have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.



O.P.No.66 of 2023

4. The first petitioner examined himself as P.W.1 and Ex.P1 to Ex.P9 were marked.

5. Ex.P1 is the death certificate of K.V.Abraham who died on 26.07.2014. Ex.P2 is the legal heir certificate of K.V.Abraham. Ex.P4 is the death certificate of George Abraham. Ex.P6 is the death certificate of Molly Abraham. Ex.P7 is the legal heir certificate of Molly Abraham. Since the deceased died intestate, the petitioners who are the only surviving legal heirs, have got the right to inherit the securities mentioned in the schedule. Therefore, the petitioners have filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners with power to collect the securities with interest and dividends



O.P.No.66 of 2023

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.

26.09.2023

Index :Yes/No
gsk



O.P.No.66 of 2023

APPENDIX

Petitioners' Witness:

P.W.1 – Mr.Joseph Abraham

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of K.V.Abraham.
Ex.P2	The certified copy of the legal heirship certificate of K.V.Abraham.
Ex.P3	The photocopy of the Will dated 13.01.2014 executed by Mr.George Abraham.
Ex.P4	The computer generated death certificate of George Abraham.
Ex.P5	The photocopy of the Will dated 25.01.2017 executed by Molly Abraham.
Ex.P6	The computer generated death certificate of Molly Abraham.
Ex.P7	The computer generated legal heirship certificate of Molly Abraham.
Ex.P8	The photocopy of the share certificate bearing certificate No.225607 in Britannia Industries Limited standing in the name of K.V.Abraham.
Ex.P9	The copy of paper publication effected in one issue of Tamil Daily “Hindu Tamil” dated 18.05.2023.

26.09.2023

gsk



WEB COPY



O.P.No.66 of 2023

R.N.MANJULA, J.

gsk

O.P.No.66 of 2023

26.09.2023