



O.P.No. 84 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**  
**O.P.No. 84 of 2023**

1.Chidambaram Ramaswamy  
2.R.M.Valliammai  
3.Nagammai Lakshumanan  
4.Ramaswamy Ramaswamy

... Petitioners

**PRAYER:** Original Petition filed under Section 372 of Indian Succession Act, 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, prays that a Succession Certificate may be granted to the first petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities as specified in the schedule.

For Petitioners : M/S.S.Anand

**ORDER**

The petition filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate by the first petitioner in respect of schedule mentioned securities of the deceased CT.RM.CT.Ramaswamy.



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

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The petition mentioned properties belonged to one CT.RM.CT.Ramaswamy. The 1<sup>st</sup> petitioner and the 4<sup>th</sup> petitioner are the sons of the late CT.RM.CT.Ramaswamy; the 3<sup>rd</sup> petitioner is his daughter; the 2<sup>nd</sup> petitioner is the wife of the late CT.RM.CT.Ramaswamy. The said CT.RM.CT.Ramaswamy died intestate on 29.08.2013 leaving behind the petitioners as his legal heirs. Subsequent to the death of the CT.RM.CT.Ramaswamy, his legal heirs have filed this petition seeking for grant of Succession Certificate in respect of securities mentioned in the petition.

3. The 1<sup>st</sup> petitioner was examined as PW.1 and Ex.P1 to Ex.P8 were marked through him and they are listed as under:

| <i>Exhibits</i> | <i>Documents</i>                                                      |
|-----------------|-----------------------------------------------------------------------|
| Ex.P1           | the computer generated death certificate of CT.RM.CT.Ramaswamy        |
| Ex.P2           | the photocopy of the legal heirship certificate of CT.RM.CT.Ramaswamy |
| Ex.P3           | the photocopy of the Aadhar Card of the 1 <sup>st</sup> petitioner    |
| Ex.P4           | the photocopy of the share certificate of                             |



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| <i><b>Exhibits</b></i> | <i><b>Documents</b></i>                                                                                                                                                                                   |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        | Carborundum Universal Limited along with the communication dated 12.10.2011 addressed to the 1 <sup>st</sup> petitioner by Karvy Computer Shares Private Limited regarding Sub Division of Equity Shares. |
| Ex.P5                  | the consent affidavit given by the 2 <sup>nd</sup> petitioner                                                                                                                                             |
| Ex.P6                  | the consent affidavit given by the 3 <sup>rd</sup> petitioner                                                                                                                                             |
| Ex.P7                  | the consent affidavit given by the 4 <sup>th</sup> petitioner                                                                                                                                             |
| Ex.P8                  | the copy of the paper publication effected in one issue of Tamil daily 'Makkal Kural' dated 20.04.2023.                                                                                                   |

5. The 2<sup>nd</sup> , 3<sup>rd</sup> and 4<sup>th</sup> petitioners have given their consent and their consent affidavits were marked as Ex.P5 to P7. The paper publications invited objections if any has also been made in Tamil daily 'Makkal Kural' dated 20.04.2023 and there is no objectors. Ex.P1 is the copy of the death certificate of CT.RM.CT.Ramaswamy and Ex.P2 is the copy of the legal heirship certificate of CT.RM.CT.Ramaswamy. Ex.P2 would show that the petitioners are the only legal heirs of the deceased and in their capacity as legal heirs they are entitled to inherit the securities left by late CT.RM.CT.Ramaswamy equally.



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**R.N.MANJULA, J.**

jrs

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

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the first 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.

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Index :Yes/No

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