



WEB COPY



O.P.No.699 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.699 of 2022

1.Mathew Varghese A

2.Alice Varghese

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Side Rules, prays to grant a Succession Certificate to the first petitioner with power to collect the securities and to receive the interest, dividends thereon and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Mrs.K.P.Uma Maheswari

ORDER

The petitioners seek Succession Certificate in respect of the securities held by A.V.Vathu, who died intestate on 16.11.2015. The 1st petitioner is the grandson and 2nd petitioner is the daughter in-law of the deceased A.V.Vathu.



O.P.No.699 of 2022

2. The 1st petitioner submits that his grandfather late A.V.Vathu resided at D.No.151/36,MKB Nagar, 6th Cross Road, Vysarpadi, Perambur Chennai, and he died intestate on 16.11.2015, leaving behind his wife T.V.Mary and his only son A.V.Varghese, as his Class-I legal heirs. The said T.V.Mary and A.V.Varghese also died on 03.06.2020 and 08.06.2020. Now, the petitioners being the Class-I legal heirs of A.V.Varghese, and the only surviving legal heirs of deceased A.V.Vathu seeks for succession certificate for the securities held by A.V.Vathu in the schedule specified hereunder.

3. The 1st petitioner has been examined as P.W.1. He has produced the death certificates of the deceased A.V.Vathu, T.V.Mary and A.V.Varghese as Exs.P1, P2 and P3. The legal heirship certificates of the deceased A.V.Vathu and A.V.Varghese have been marked as Exs.P4 and P5. A perusal of Exs.P4 and P5, shows that the petitioners are the only Class-I legal heirs of the deceased A.V.Varghese and Class-II legal heirs of deceased A.V.Vathu. The 2nd petitioner has filed her consent affidavits expressing her no objection for grant of Succession Certificate in favour of the 1st petitioner. The said consent affidavit has been marked as Ex.P11. A paper publication has been made and any objections have not been received.



WEB COPY



O.P.No.699 of 2022

4. In view of the above said facts and evidence, the Original Petition is allowed by granting Succession Certificate in favour of the 1st petitioner, since the 2nd petitioner has signified her consent for the grant, in respect of the securities mentioned in the schedule to the petition.

17.04.2023

pbn

Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:

P.W.1 — Mr.Mathew Varghese



O.P.No.699 of 2022

WEB COPY

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated copy of the death certificate of A.V.Vathu
Ex.P2	Computer generated copy of the death certificate of T.V.Mary
Ex.P3	Computer generated copy of the death certificate of A.V.Varghese
Ex.P4	Photocopy of the legal heir certificate of A.V.Vathu
Ex.P5	Computer generated legal heir certificate of A.V.Varghese
Ex.P6	Photocopy of the share certificate bearing No.21484 of Coromandel International limited standing in the name of A.V.Vathu
Ex.P7	Photocopy of the share certificate bearing No.24106 of TI Financial Holdings Limited standing in the name of A.V.Vathu.
Ex.P8	Photocopy of the share certificate bearing No.2351 of EID-Parry (India) Limited standing in the name of A.V.Vathu
Ex.P9	Photocopy of the share certificate bearing No.24106 of Tube Investments of India Limited standing in the name of A.V.Vathu
Ex.P10	(Series 2 Nos) Photocopies of the share certificates bearing No.782 and 1476 of the Coromandel Engineering company Ltd standing in the name of A.V.Vathu
Ex.P11	Consent affidavit of the second petitioner
Ex.P.12	Copy of the paper publication in one issue of Tamil daily "Makkal Kural" dated 27.12.2022

17.04.2023

pbn



WEB COPY



O.P.No.699 of 2022

K.KUMARESH BABU,J.

pbn

O.P.No.699 of 2022

17.04.2023