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O.P.No.188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.188 of 2022

1. Mrs.Hannah Jesudas

2. Mr.J.P.Rajkumar alias Paul Rajkumar James ... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act read with Order XXV Rule 6 of High Court Original Side Rules, prays that a Succession Certificate may be granted to the 1st Petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioners : Mr.D.Prabhu Mukunth Arunkumar

ORDER

The petitioners seek the grant of a succession certificate to the first petitioner in respect of the securities described in the schedule to the petition.



2. The petitioners are the children of Mr.Samuel Arthor James and Mrs.Ruby Arthor James. They assert that their father, Mr.Samuel Arthor James died on 13.12.2009 and their mother, Ruby Arthor James, died on 20.05.2009. In paragraph 3 of the petition, the petitioners have set out the place of ordinary residence of their parents, which is within the jurisdiction of this Court.

3. The petitioners' father executed a Will on 28.10.2007. Under the Will, he bequeathed all his assets to his wife by way of life estate. After her life time, the estate was bequeathed equally to his two children, Mrs.Hannah Jesudas and Mr.Paul Rajkumar James, who are the petitioners herein. Since a succession certificate was insisted upon for purposes of effecting transmission of shares, the present petition is filed.

4. The petitioners adduced evidence by examining the first petitioner as PW1. In course of her examination-in-chief, the 7 documents listed at the foot of this order were exhibited as Exs.P1 to P7. The original death certificate of Samuel Arthor James (Ex.P2) discloses that he died on 13.12.2009. The death certificate of Ruby Arthor James (Ex.P1) discloses that she died on 20.05.2009. The legal heirship certificate of Samuel Arthor



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James (Ex.P3) specifies the names of the two petitioners as his legal heirs.

As evidence of title of the deceased over the relevant securities, Ex.P5 is placed on record. The consent affidavit of the second petitioner is on record (Ex.P6). The Will executed by the petitioners' father was produced. On perusal, by the said Will, the testator provided for a life estate in favour of his wife and an absolute estate in favour of his children. Paper publication was effected (Ex.P7).

5. Based on the assertions in the petition and evidence adduced in support thereof, the petitioners are entitled to the relief prayed for. Therefore, O.P.No.188 of 2022 is allowed by issuing a succession certificate to the first petitioner in respect of the securities described in the schedule to the petition. Consequently, the first petitioner is entitled to collect the securities, receive dividends thereon and negotiate and transfer the same.

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Index : Yes / No



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Petitioners' witness:

P.W.1 – Mrs.Hannah Jesudas

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The original death certificate of Ruby Arthor James.
Ex.P2	The original death certificate of S.Arthor James.
Ex.P3	The photocopy of the Legal Heirship Certificate of S.Arthor James (Compared with the original).
Ex.P4	The photocopy of the Legal Heirship Certificate of Ruby Arthor James (Compared with the original)
Ex.P5	The original statement of holding as on 16.07.2021 given by SBICAP securities Limited.
Ex.P6	The consent affidavit given by the 2 nd petitioner.
Ex.P7	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 18.06.2022.

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