



O.P.No.465 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

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THE HONOURABLE **MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

O.P.No.465 of 2021

1. Tmt.K.Menaka
W/o. (Late) T.T.Jagadeesan
Aged about 89 years.

2. Tmt. J.Vijayapriya
D/o. (Late) T.T.Jagadeesan
Aged about 58 years.

Petitioners

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

For Petitioners : Mr.R.S.Diwaagar

ORDER

The petitioners seek the grant of succession certificate in respect of the



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securities listed in the schedule to the petition.

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2. The petitioners state that Mr.T.T.Jagadeesan, the husband of the first petitioner and the father of the second petitioner, died on 25.04.1993 at the address specified in paragraph 1 of the petition, which is within the jurisdiction of this Court. The petitioners assert that the deceased died intestate and that no Will was found in spite of a diligent search for the same.

3. In order to establish entitlement to the relief claimed, the second petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 18 documents listed at the foot of this order were exhibited as Exs.P1 to P18. The death certificate of Mr.T.T.Jagadeesan (Ex.P1) discloses that he died on 25.04.1993. It also discloses his address, which is within the jurisdiction of this Court. The legal heirship certificate in respect of Mr.T.T.Jagadeesan (Ex.P2) discloses the names of the two petitioners herein as the surviving class I legal heirs. The said legal heirship certificate of the deceased also discloses that the parents of the deceased pre-deceased him. As evidence of title of the deceased over the securities, Exs.P3 to P16



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have been filed. Paper publication was effected (Ex.P17).

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4. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed.

5. Accordingly, O.P.No.465 of 2021 is allowed by granting a succession certificate to the petitioners in respect of the securities listed in the schedule to the petition. Consequently, the petitioners are entitled to collect the securities, receive dividends thereon and negotiate and transfer the same.

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Index : Yes / No

Petitioner's witness:

P.W.1 – Mrs.Vijayapriya



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Documents exhibited by the petitioners:

<i>Exhibit No.</i>	<i>Description</i>
Ex.P1	The original death certificate of Mr.T.T.Jagadeesan.
Ex.P2	The original Legal Heirship Certificate of Mr.T.T.Jagadeesan.
Ex.P3	(Series 9 Nos.) are the photocopies of the share certificates of the Tube Investments of India Limited standing in the name of Mr.T.T.Jagadeesan (Witness states that the original share certificates are missing and the same has been stated in the proof affidavit. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy.)
Ex.P4	The original letter dated 26.12.1995 addressed to Mr.T.T.Jagadeesan by the Tube Investments of India Limited in respect of shares bearing Nos.249910 and 249911.
Ex.P5	The original share certificate of the Tube Investments of India Limited standing in the name of Mr.T.T.Jagadeesan bearing certificate No.501808.
Ex.P6	The original letter dated 22.09.2005 sent by the petitioner to Kary Consultants Limited.
Ex.P7	The original letter dated 26.09.2005 sent by the Karvy Computershare Private Limited to the 2 nd petitioner.
Ex.P8	The computer generated reminder letter dated 23.05.2011 sent by the Tube Investments of India Limited to Mr.T.T.Jagadeesan.
Ex.P9	The computer generated reminder letter dated 19.03.2012 sent by the Tube Investments of India Limited to



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<i>Exhibit No.</i>	<i>Description</i>
	Mr.T.T.Jagadeesan.
Ex.P10	The photocopy of the letter dated 13.03.2013 sent by the Karvey Computershare Private Limited (Witness states that the original letter is missing and the same has been stated in the proof affidavit. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P11	The photocopy of the letter dated 23.10.2013 sent by the Karvey Computershare Private Limited to Mr.T.T.Jagadeesan.
Ex.P12	(Series of 5 Nos.) are the photocopies of the receipts for interim dividend issued by the Tube Investments of India Limited to Mr.T.T.Jagadeesan (Witness states that the original receipts are missing and the same has been stated in the proof affidavit. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P13	The original receipt for interim dividend dated 22.02.2019 issued by the TI Financial Holdings Limited.
Ex.P14	The photocopy of the letter dated 05.12.2018 sent by the TI Financial Holdings Limited to Mr.T.T.Jagadeesan (Witness states that the original letter is missing and the same has been stated in the proof affidavit. Counsel for the petitioners insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P15	The photocopy of the letter dated 17.12.2018 sent by the TI Financial Holdings Limited to Mr.T.T.Jagadeesan (Witness states that the original letter is missing and the same has been stated in the proof affidavit. Counsel for the petitioners insisted for marking of the photocopy of this document).
Ex.P16	The office copy of the letter dated 12.12.2019 sent by the petitioners to the Company Secretary, TI Financial Holdings



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<i>Exhibit No.</i>	<i>Description</i>
	Limited.
Ex.P17	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 25.09.2021.
Ex.P18	The photocopy of my Aadhaar card (Compared with the original)

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SENTHILKUMAR RAMAMOORTHY,J

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