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O.P.No.66 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.01.2023**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.66 of 2022

Ms.Arati Rao
D/o. Late U.Prabhakar Rao.
11/2, Ganapathy Colony, II Street,
Gopalapuram,
Chennai-600 086.

.. Petitioner

vs.

1. Karoon P. Rao
W/o. Late U.Prabhakar Rao,
11/2, Ganapathy Colony, II Street,
Chennai-600 086.
2. U.Bhagwandas Rao,
S/o.late U.Prabhakar Rao,
11/2, Ganapathy Colony, II Street,
Chennai-600 086.
3. Mr.Sashi Jacob,
S/o.Late Paul Jacob
SFS Cityscape
3A Pine,
PTP Nagar,
Trivandrum 695 038
(3rd respondent was deleted and amendment carried out
as per order in A.No.3538 of 2022 dated 29.08.2022)



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4. Sneha Elizabeth Jacob
D/o.Sashi Jacob
SFS Cityscape,
3A Pine,
PTP Nagar,
Trivandrum-695 038.

5. Aahan Mathew Jacob
S/o.Sashi Jacob
S/o.Late Joseph Mathews
SFS Cityscape
3A Pine, PTP Nagar,
Trivandrum 695 038.

PRAYER: Original Petition filed under Section 372 of Indian Succession Act XXXIX of 1925 under Order XXV Rule 6 of the Original Side Rules prays that a Succession Certificate may be granted to the petitioner in respect of Schedule 'B' securities and thus render justice.

For Petitioners : Mr.M.Aravind Subramaniam

ORDER

The petitioner seeks the grant of a succession certificate in respect of the assets of the late Mr.U.Prabhakar Rao.

2. The petitioner states that the late Mr.U.Prabhakar Rao was her father. He died on 09.06.2019. The petitioner asserts that he died intestate and that no Will was found in spite of diligent search for the same.



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3. The wife of the deceased is arrayed as the first respondent and the son of the deceased is the second respondent. Since the daughter, Pavitra Jacob, predeceased him, her children are arrayed as respondents.

4. In order to establish entitlement to the relief claimed, the petitioner was examined as PW1. In course of the examination-in-chief of PW1, the 10 documents listed at the foot of this order were exhibited as Exs.P1 to P10. The death certificate of the late U.Prabhakar Rao is on record (Ex.P1). This document discloses that he died on 09.06.2019. It also discloses his address, which is within the jurisdiction of this Court. The legal heirship certificate in respect of Mr.U.Prabhakar Rao is on record (Ex.P2). This document discloses the names of the petitioner, first respondent and second respondent as the surviving class I legal heirs of the deceased. It also discloses that Pavitra Jacob pre-deceased him. The death certificate of Pavitra Jacob is on record (Ex.P3). This document discloses that she died on 05.01.2008 at South Africa. The statement of holding of securities of the late U.Prabhakar Rao is on record (Ex.P4). This document reflects that he held the securities described in the schedule to the petition. Paper publication was effected in



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one issue of the Tamil daily 'Makkal Kural' (Ex.P10). The consent affidavits of the respondents are on record.

5. Based on the assertions and the evidence adduced in support thereof, the petitioner is entitled to the relief claimed. Therefore, O.P.No.66 of 2022 is allowed by granting a succession certificate to the petitioner in respect of the securities described in Schedule 'B' to the petition. Consequently, the petitioner is entitled to collect the said securities, receive dividends thereon and transfer the same.

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Index : Yes / No

Petitioners' witness:

P.W.1 – Ms.Arati Rao

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mr.U.Prabhakar Rao.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P2	The computer generated Legal Heirship Certificate of Mr.U.Prabhakar Rao.
Ex.P3	The photocopy of the death certificate of Pavitra Jacob (Original is not produced. Counsel for the petitioner insisted for marking of the photocopy of this document. This document is marked subject to its admissibility, proof and relevancy).
Ex.P4	The computer generated statement of holding as on 28.09.2024 ¹ in respect of the shares held by Mr.U.Prabhakar Rao.
Ex.P5	The photocopy of my Aadhaar Card (compared with the original).
Ex.P6	The photocopy of the Aadhaar card of the 1 st respondent (Compared with the original)
Ex.P7	The photocopy of the Aadhaar card of the 2 nd respondent (Compared with the original).
Ex.P8	The photocopy of the Aadhaar card of the 3 rd respondent (Compared with the original).
Ex.P9	The photocopy of the Aadhaar card of the 4 th respondent (Compared with the original).
Ex.P10	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 03.11.2022

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