



WEB COPY



O.P.No.778 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.778 of 2022

1.Kumaragurubaran
2.Palanivelan

... Petitioners

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

For Petitioners : Mr.D.R.Arun Kumar

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the petitioners in respect of schedule mentioned securities of the deceased M.Poongavanam @ M.Poongavana Achari.

2.The averments in the Petition are as follows:-



O.P.No.778 of 2022

The petition mentioned securities were originally owned by one M.Poongavanam @ M.Poongavana Achari and he died intestate on 28.06.1999 leaving behind his wife and two sons who are the petitioners herein. The wife of M.Poongavanam @ M.Poongavana Achari also died on 19.11.2002. The parents of the deceased predeceased him. The petitioners are the class - I legal heirs of the deceased. Since the petitioners are the only surviving legal heirs of the deceased, there is no impediment in granting Succession Certificate in favour of the petitioners. Hence, for the purpose of transmitting the securities mentioned in the schedule to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The second petitioner examined himself as PW.1 and Ex.P1 to Ex.P5 were marked.

5. Ex.P1 is the death certificate of M.Poongavanam @ M.Poongavana Achari which would show that M.Poongavanam @ M.Poongavana Achari died on 28.06.1999. Ex.P2 is the death certificate of the wife of the



O.P.No.778 of 2022

deceased. Ex.P3 legal heirship certificate would show that the petitioners are the only legal heirs of the deceased. Since the deceased died intestate, the petitioners have filed this Petition for grant of Succession Certificate.

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

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the petitioners, with power to collect the securities with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition in equal proportion on payment of appropriate succession duty, if not paid earlier.

30.08.2023

Index :Yes/No
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WEB COPY



O.P.No.778 of 2022

R.N.MANJULA, J.

gsk

APPENDIX

Petitioners' side witness:

P.W.1 - Mr.Palanivelan

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of M.Poongavanam @ M.Poongavana Achari.
Ex.P2	The photocopy of the death certificate of P.Saguthala.
Ex.P3	The photocopy of the legal heirship certificate of M.Poongavanam @ M.Poongavana Achari.
Ex.P4	The photocopy of the letter dated 22.08.2022 issued by KFin Technologies Limited showing the details of shares and securities held by M.Poongavanam and asking for Succession Certificate from the competent Court of law.
Ex.P5	The paper publication effected in one issue of Tamil daily "Makkal Kural" dated 03.03.2023.

30.08.2023

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O.P.No.778 of 2022