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O.P.No.121 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.121 of 2022

1.E.A.Mohamed Shahul Hameed

2.E.A.Ibrahim

Petitioners

...

PRAYER: Original Petition filed under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of O.S.Rules, granted the succession certificate to the petitioners with power to collect the securities and to receive the Interest and dividends, on and negotiate and transfer the securities as specified in the schedule.

For Petitioners : Mr.R.Lakshmi Narasimhan



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ORDER

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The petitioners seek the issuance of a succession certificate in respect of the securities described in the schedule to this petition.

2. The petitioners assert that they are the sons of the late E.M.Abdul Razack and the late Sithi Zubaida. It is stated that the father of the petitioners, E.M.Abdul Razack, died on 01.11.2019. The petitioners assert that he ordinarily resided at Triplicane, Chennai, which is within the jurisdiction of this Court. It is further stated that the petitioner's mother, the late Sithi Zubaida, died on 22.11.2017. The petitioners further assert that both the deceased died intestate and that no Will was found in spite of a diligent search for the same. The present petition is filed by the two sons, who claim to be the only surviving legal heirs.

3. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the first petitioner as P.W.1. In course of the examination in chief of P.W.1, the 13 documents listed at the foot of this



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order were exhibited as Exs.P1 to P13. The death certificate of the father of the petitioners (Ex.P2) discloses that he died on 01.11.2019. The death certificate of the petitioners' mother (Ex.P1) discloses that she died on 22.11.2017. The legal heirship certificate in respect of both parents are on record. The legal heirship certificate in respect of the petitioners' mother (Ex.P3) discloses the names of the father of the petitioners and the two petitioners. The legal heirship certificate in respect of the petitioners' father discloses the names of the two petitioners as the legal heirs. As evidence of title of the deceased to the relevant securities, Exs.P5 to P9 are placed on record. Paper publication was effected (Ex.P13).

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

5. Accordingly, O.P.No.121 of 2022 is allowed by directing that a succession certificate be issued to the petitioners in respect of the securities specified in the schedule to the petition. Consequently, the petitioners shall be entitled to collect the securities, receive interest and dividends thereon,



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and negotiate and transfer the same. Such succession certificate shall be

issued to the petitioners on or before 17.03.2023.

14.02.2023

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Index : Yes / No

Internet : Yes / No

Petitioner's witness:

P.W.1 - Mr.E.A.Mohamed Shahul Hameed.

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Sithi Zubaida.
Ex.P2	Computer generated death certificate of Dr.E.M.Abdul Razack.
Ex.P3	Photocopy of the Legal Heirship certificate of Sithi Zubaida (Compared with the original).
Ex.P4	Computer generated Legal Heirship certificate of E.M.Abdul Razack.
Ex.P5	Photocopies of the share certificates of GlaxoSmithKline Pharmaceuticals Limited bearing Certificate Nos.1291833 and 1291832 (Compared with the original). (Series 2 Nos.)
Ex.P6	Photocopy of the share certificate of Apollo Hospitals Enterprise Limited bearing certificate No.350062 (Compared with the original).
Ex.P7	Photocopies of the share certificates bearing certificate



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<i>Exhibits</i>	<i>Documents</i>
	Nos.00305514, 85248, 85247, 152425 and 25590 (Compared with the original). (Series 5 Nos.)
Ex.P8	Online printout of letter dated 17.07.2021 addressed to the first petitioner by Kfin Technologies Private Limited asking for succession certificate from competent Court of law.
Ex.P9	Online printout of letter dated 20.07.2021 addressed to the first petitioner by Kfin Technologies Private Limited asking for succession certificate from competent Court of law.
Ex.P10	Photocopy of the first petitioner's Aadhaar card (Compared with the original).
Ex.P11	Photocopy of the Aadhaar card of the 2nd petitioner (Compared with the original).
Ex.P12	Online printout showing the market value of the shares.
Ex.P13	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 05.08.2022.



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