



O.P.No.83 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.09.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 83 of 2023

1.Rugmani Ganesan

2.Suresh Kumar Ganeshan

3.Lata Viswanath

4.Sujata Raja

...

Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the first petitioner namely, Rugmani Ganesan, with the power to collect the securities in the name of late Mr.S.Ganesan and to receive the interest and dividends thereon and to negotiate and transfer the securities specified in the schedule hereunder.

For Petitioners : Ms.R.Nandhini

ORDER

This petition has been filed under Section 372 of the Indian Succession Act for the grant of a succession certificate in respect of the securities mentioned in the petition, which are owned by the late S.Ganesan



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who died intestate.

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2. The petition mentioned security was originally owned by one S. Ganesan, who is the husband of the first petitioner and father of the petitioners 2 to 4. The said Ganesan died intestate on 23.06.1995 by leaving behind the petitioners alone as his legal heirs. Since the petitioners are in need of a succession certificate in order to obtain the shares in the name of the deceased from Reliance Industries Limited and to transfer the same to the name of the 1st petitioner, they filed this petition seeking a succession certificate in favour of the 1st petitioner.

3. The 4th petitioner examined herself as PW.1 and Ex.P1 to Ex.P6 were marked through her.

4. From Ex.P1, it is seen that the father of petitioners 2 to 4 died on 23.06.1995. From Ex.P2, the petitioners are the only surviving legal heirs of the deceased S.Ganesan. Ex.P6, paper publication effected in one issue of the Tamil daily 'Dina Malar' dated 18.04.2023 did not attract any objectors. Since S. Ganesan, who is the father of the petitioners 2 to 4, died intestate, the petitioners are entitled to inherit the above-mentioned securities themselves equally.

5. The learned counsel for the petitioner made the following endorsement:



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“since all the petitioners have signed and fled the OP praying for issuance of succession certificate in favour of the 1st petitioner, separate consent affidavit from 2nd to 4th petitioners are not require. If required the same shall be filed before the Hon'ble Court subsequently”

6. considering the above endorsement made by the learned counsel for the petitioners and considering the above oral evidence of PW.1 and documentary evidence produced, the petitioners have proved their claim and the Succession Certificate for the securities mentioned in the petition shall be granted in favour of the 1st petitioner.

7. Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the 1st petitioner with a power to collect the debts with interest and dividends on and negotiate and transfer the securities specified in the schedule to the petition on payment of appropriate succession duty, if it not paid already.

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Index :Yes/No

Speaking: Non-Speaking

Neutral: Yes/No



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APPENDIX

Petitioners' witness:

P.W.1 – Mrs.Sujata Raja

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mr.S.Ganesan
Ex.P2	The computer generated legal heir certificate of Mr.S.Ganesan
Ex.P3	(series 10 Nos) are the photocopies of the share certificates issued by Reliance Industries Ltd standing in the name of Mr.S.Ganesan (compared with the original)
Ex.P4	The email communication between the 4 th petitioner and M/s.Kintech Private Limited.
Ex.P5	The certificate under section 65 B of evidence Act, 1872 for Ex.P4.
Ex.P6	The copy of paper publication effected in one issue of Tamil Daily 'Dina Malar' dated 18.4.2023.

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