



O.P.No. 131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 131 of 2023

1.Kamakshi Ramachandran
2.G.R.Vishwanathan
3.S.Vasumathi
4.Varsha Nirmal Das

...

Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the 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 with power to collect the securities and to receive dividends thereon and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioners : M/s.G.R.Lakshmanan

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate to the first petitioner to collect the securities and to receive the dividends in respect of the scheduled mentioned securities owned by one G.R.Ramachandran.



2. The first petitioner is the wife and the second petitioner is the son and the petitioners 3 and 4 are the daughters of G.R.Ramachandran. The said G.R.Ramachandran died intestate on 06.12.2020. The petitioners are his legal heirs and they are entitled to inherit the assets left by him. The securities mentioned in the schedule are units of various mutual funds at a total sum of Rs.17,73,911.41/- and to transfer all to the name of the 1st petitioner, the succession certificate has to be produced before the concern.

3. The third petitioner is examined herself as PW.1 and the following documents were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated Death Certificate of G.R.Ramachandran dated 22.12.2020
Ex.P2	The computer generated Legal Heir Certificate of G.R.Ramachandran dated 06.03.2021.
Ex.P3	The certified copy of the statement of Holdings standing in the name of Mr.G.R.Ramachandran
Ex.P4	The photocopy of the Power of Attorney executed by Mr.G.R.Vishwanathan, 2 nd petitioner, in favour of his sister Mrs.Vasumathi S dated 20.05.2022 (compared with original)
Ex.P5	The photocopy of the Power of Attorney executed by Mrs.Varsha Nirmal Das, 4 th petitioner, in favour of her sister Mrs.Vasumathi S dated 20.05.2022



<i>Exhibits</i>	<i>Documents</i>
	(compared with original)
Ex.P6	The still in force affidavit sworn by the 3 rd petitioner in respect of Exs.P4 and P5.
Ex.P7	The 3 rd petitioner's consent affidavit given for herself and on behalf of petitioners 2 and 4 stating that they do not have any objection to the grant of succession certificate in favour of their mother Mrs.Kamakshi Ramachandran, 1 st petitioner herein.
Ex.P8	The copy of the paper publication in one issue of 'Makkal Kural' dated 08.06.2023

4. From the death certificate of G.R.Ramachandran is produced as Ex.P1, it is seen that he died on 06.12.2020. The legal heir certificate is produced as Ex.P2 would show that except the petitioners the deceased does not have any other legal heirs. The paper publication effected in one issue of Tamil in Makkal Kural dated 08.06.2023 does not attract any objectors.

5. The 3rd petitioner has given consent for herself and on behalf of petitioners 2 and 4 stating that they do not have any objection to the grant of succession certificate in favour of their mother Mrs.Kamakshi Ramachandran, 1st petitioner and that has been marked as Ex.P7. The petitioner has also given an affidavit by stating that the power of attorney which has given in favour of his sister and brother is still in force and that has been marked Ex.P6. The power of attorney executed by Mr.G.R.Vishwanathan/ 2nd petitioner and Mrs.Varsha Nirmal Das/4th



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petitioner respectively in favour of the 3rd petitioner are marked as Exs.P4 and P5. Since the said G.R.Ramachandran died intestate and the petitioners being his only legal heirs are entitled to inherit the securities among themselves equally.

6. The petitioners 2, 3 and 4 have given consent to issue Succession certificate in favour of the 1st petitioner. Since the securities mentioned in the schedule have been held by HDFC Abiramipuram Branch, the Manager concerned with the said Bank is directed to do the needful to transfer the securities 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 first petitioner with a power to collect the debts with interest and dividends on and negotiate and transfer the securities (shares) 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



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