



O.P.No.594 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.594 of 2022

1.Yusuf Roshan Khasamwala
2.Daniel Roshan Khasamwala
3.Maria Roshan Khasamwala ... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Side Rules, prays to grant a Succession Certificate to the first petitioner namely Mr.Yusuf Roshan Khasamwala with power to collect the debts and to receive interest specified in the Schedule.

For Petitioner : Mr.Yusuf S.Q

ORDER

The petitioners seek Succession Certificate in respect of the debts held by Roshan G.K, who died intestate on 21.04.2021. The 1st and 2nd petitioners are the sons and 3rd petitioner is the daughter of the deceased Roshan G.K.

2. The 1st petitioner has been examined as P.W.1. He has produced the



O.P.No.594 of 2022

death certificates of the deceased Roshan G.K and Sakera Roshan Khasamwala, (wife of the deceased), as Exs.P1 and P4. The legal heirship certificate of the deceased Roshan G.K, has been marked as Ex.P3. A perusal of Ex.P3 shows that the petitioners are the only Class-I legal heirs of the deceased Roshan G.K. The petitioners 2 and 3 have filed their consent affidavits expressing their no objection for grant of Succession Certificate in favour of the 1st petitioner. The said consent affidavits have been marked as Exs.P14 and P15. A paper publication has been made and any objections have not been received.

3. In view of the above evidence, the Original Petition is allowed by granting Succession Certificate in favour of the 1st petitioner, since the 2nd and 3rd petitioners have signified their consent for the grant, in respect of the debts mentioned in the schedule to the petition.

11.04.2023

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No

Petitioner's witness:



O.P.No.594 of 2022

P.W.1 — Mr.Yusuf Roshan Khasamwala

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of G.K.Roshan
Ex.P2	Photocopy of the Aadhaar card of G.K.Roshan
Ex.P3	Computer generated legal Heirship certificate of G.K.Roshan
Ex.P4	Computer generated death certificate of Sakera Roshan Khasamwala
Ex.P5	Photocopy of the Aadhaar card of Sakera Roshan Khasamwala
Ex.P6	Computer generated legal Heirship certificate of Sakera Roshan Khasamwala
Ex.P7	Photocopy of the 1 st petitioner's Aadhaar Card
Ex.P8	Photocopy of the Aadhaar card of the 2 nd petitioner
Ex.P9	Photocopy of the Aadhaar card of the 3 rd petitioner
Ex.P10	Computer generated Deposit Confirmation/Renewal Advice of HDFC Bank held by Roshan G Khasamwala
Ex.P11	Computer generated another Deposit Confirmation/Renewal Advice of HDFC Bank held by Roshan G Khasamwala
Ex.P12	Request letter dated 04.08.2022 addressed to the petitioner by the HDFC Bank Limited asking for succession certificate from competent Court of law.
Ex.P13	Affidavit filed by the petitioner under Section 65B of the Indian Evidence Act.
Ex.P14	Consent affidavit given by the 2 nd respondent
Ex.P15	Consent affidavit given by the 3 rd respondent
Ex.P16	Copy of paper publication effected in one issue of Tamil daily “Maalai Thamizhagam”, dated 28.11.2022.

11.04.2023



O.P.No.594 of 2022

K.KUMARESH BABU,J.

pbn

O.P.No.594 of 2022

11.04.2023