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O.P.No. 189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.08.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 189 of 2023

1.Mr.s.Chinnasamy

2.C.Uma Maheswari

...

Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 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 2nd petitioner, C.Uma Maheswari with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereunder.

For Petitioners : Mr.Kaushik N.Sharma

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition mentioned securities owned by late K.Vaideki.

2. The shares set out in the petition belonged to one K.Vaideki who is the mother of the 2nd petitioner. The first petitioner is the husband of late K.Vaideki. The said K.Vaideki died intestate on 03.09.2020 leaving behind



the petitioners are her only legal heirs. The first petitioner/ father of the 2nd petitioner has given his consent to grant the succession certificate in favour of the 2nd petitioner. Subsequent to the death of K.Vaideki, the petitioners are entitled to inherit the securities more fully described in the schedule mentioned petition. Hence the petitioners have filed this petition seeking to grant succession certificate in favour of the 2nd petitioner.

3. The 2nd petitioner is examined herself as PW.1 and Ex.P1 to P5 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mrs.Vaideki
Ex.P2	The computer generated Legal Heirship Certificate of Mrs.Vaideki.
Ex.P3	(Series 13 Nos.) is the photocopy of the Share certificates in the name of Mrs. Vaideki. (compared with th original)
Ex.P4	The copy of paper publication effected in one issue of Tamil Daily 'Makkal Kural' dated 18.06.2023.
Ex.P5	The consent affidavit of the 1 st petitioner giving his consent to the grant of succession certificate in the 2 nd petitioner's favour.

4. From the death certificate of K.Vaideki is produced as Ex.P1, it is seen that K.Vaideki died on 03.09.2020. The legal heir certificate of K.Vaideki has been marked as Ex.P2 would show that except the petitioners



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there are no other legal heirs to her. From Ex.P3 it is seen that the deceased Vaideki had owned shares mentioned in the petition in her name; Vaideki died intestate. The first petitioner who is the father of the 2nd petitioner gave his consent affidavit given to the 2nd petitioner and the same has been marked as Ex.P5. The paper publication issued in Tamil daily 'Makkal Kural' dated 18.06.2023 did not attract any objectors.

5. In view of oral and documentary evidence produced by the petitioners and considering the consent given by the first petitioner in favour of the second petitioner, the prayer sought by the petitioners for grant of Succession Certificate should be granted.

6. Hence:

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

(b) The Succession Certificate shall be issued in favour of the 2nd 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 not paid already.

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jrs

Index :Yes/No



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