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O.P.No.142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.142 of 2023

1. M.J.Shanker Narayanan
2. Nirmaladevi Naresh
3. Maniwakkam Jayaraman Balaji (MJ Balaji) ... Petitioners

Original Petition is filed under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the third petitioner with the power to collect the debts and securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.P.Suresh Babu

ORDER

This petition is filed under section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the third petitioner with the power to collect the debts and securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

2.The averments in the petition are as follows:-

The petition mentioned securities belonged to the parents of the petitioners M.P.Jayaraman and M.J.Gajalakshmi. The said M.P.Jayaraman



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and M.J.Gajalakshmi died on 06.09.2010 and 19.01.2011 respectively. The petitioners who are the children of the deceased M.P.Jayaraman and M.J.Gajalakshmi are their only surviving legal heirs. Since the said M.P.Jayaraman and M.J.Gajalakshmi died intestate, the petitioners are entitled to inherit the petition mentioned shares equally among themselves. Since the petitioners are in requirement of succession certificate to transmit the shares in their name, they have filed this petition.

3. The third petitioner has been examined as P.W.1 and Exs.P1 to P9.

4. Exs.P3 & P5 are the death certificates of M.P.Jayaraman and M.J.Gajalakshmi. Ex.P4-legal heirship certificate of M.J.Gajalakshmi would show that the petitioners are her only legal heirs. The first and second petitioner have given their consent affidavit which has been marked as Exs.P8 and P9. Paper publication effected in one issue of Tamil daily “MakkalKural” also did not attract any objectors.

5. Since the petitioners are the only surviving legal heirs of their parents M.P.Jayaraman and M.J.Gajalakshmi, they are entitled to inherit the



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petition mentioned securities equally among themselves. However the petitioners 1 & 2 have given consent in favour of the third petitioner for grant of succession certificate. The above documentary evidence produced by third petitioner would prove his entitlement for the grant of Succession Certificate as prayed.

6. Hence:

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

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

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APPENDIX

Witnesses examined:

P.W.1 – M.P.Jayaraman

Documents marked :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the Canara Bank Share Certificate dated 14.12.2002
Ex.P2	Photocopy of Share certificate of Apollo Hospitals
Ex.P3	Death certificate of M.P.Jayaraman
Ex.P4	Legal heirship certificate of M.J.Gajalakshmi
Ex.P5	Death certificate of M.J.Gajalakshmi
Ex.P6	Statement of share certificate dated 20.08.2020
Ex.P7	Post office passbooks
Ex.P8	Consent affidavit of first petitioner
Ex.P9	Consent affidavit of second petitioner

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