



WEB COPY



O.P.No.170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.170 of 2023

1. Vandana J Maniyal

2. Mahesh B.J

3. Prakash B.J

...

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 namely Prakash B.J with the power to collect the securities and to receive the interest and dividends on specified in the schedule hereto.

For Petitioners : Mr.N.Kalidoss

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 namely Prakash B.J with the power to collect the securities and to receive the interest and dividends on specified in the schedule hereto.

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



O.P.No.170 of 2023

The petition mentioned securites were owned by one Biharilal B Jethani who died intestate on 27.12.2017. The wife of Biharilal B Jethani predeceased him on 07.12.2014. The petitioners are the daughter and sons of Biharilal B Jethani. After the demise of Biharilal B Jethani, the petitioners who are his legal heirs are entitled to inherit the securities owned by Biharilal B Jethani. Hence the petitioners have filed this petition seeking succession certificate.

3. The third petitioner examined himself as P.W.1 and Exs.P1 to P9 were marked.

4. Ex.P1 is the death certificate of Biharilal B Jethani. Ex.P5- legal heirship certificate would show that the petitioners 1 to 3 are the only legal heirs of Biharilal B Jethani. Ex.P6 is the share certificate which would show that the petition mentioned shares were owned by Biharilal B Jethani. The first and second petitioner have given their consent to issue succession certificate in favour of the third petitioner and they are marked as Exs.P7 and P8.

5. Paper publication issued in one issue of Tamily daily “Tamil



O.P.No.170 of 2023

Murasu” dated 20.06.2023 did not attract any objectors.

WEB COPY

6. Since the petitioners 1 to 3 are only surviving legal heirs of their father Biharilal B Jethani, they are entitled to inherit the 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.

7. Hence:

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

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

21.08.2023

bkn

APPENDIX

Witnesses examined:



O.P.No.170 of 2023

P.W.1 – B.J.Prakash

Documents marked :

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Biharilal B Jethani
Ex.P2	Photocopy of the Aadhaar Card of the first petitioner
Ex.P3	Photocopy of the Aadhaar Card of the second petitioner
Ex.P4	Photocopy of third petitioner's Aadhaar card
Ex.P5	Original legal heirship certificate of Biharilal B Jethani
Ex.P6	Photocopy of Share certificate owned by Biharilal B Jethani
Ex.P7	Consent affidavit of the first petitioner
Ex.P8	Consent affidavit of the second petitioner
Ex.P9	Copy of paper publication issued on 20.06.2023

21.08.2023

bkn



WEB COPY



O.P.No.170 of 2023

R.N.MANJULA, J.

bkn

O.P.No. 170 of 2023

21.08.2023