



WEB COPY



O.P.No.265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.265 of 2023

- 1.Mrs.Neeta Ajay Bhatt
- 2.Mrs.Beena Pankaj Vyas
- 3.Mr.Piyush Jagadish Bhatt
- 4.Mr.Paresh Jagadish Batt

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the third petitioner with the powers to collect the securities and to receive interest and dividends on, transfer and Negotiate the said Securities as specified in the schedule.

For Petitioners : Ms.R.C.Rukmini for

M/s.P.B.Ramanujam

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the third petitioner in respect of schedule mentioned securities of the deceased Manjula J. Bhatt and Jagadish Bhatt.

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



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The petition mentioned securities were belonged to Manjula J. Bhatt and Jagadish Bhatt who are the parents of the petitioners herein. The mother of the petitioners Manjula J.Bhatt died on 31.01.2016 and the father of the petitioners Jagadish Bhatt died on 11.03.2017. The petitioners are the only surviving legal heirs of the deceased parents. There are no other legal heirs of the deceased except the petitioners herein. Therefore, there is no impediment in granting Succession Certificate in favour of the third petitioner. Since Succession Certificate is required for the purpose of transferring the petition mentioned securities belonging to the deceased parents to the name of the petitioners, the petitioners have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The third petitioner examined himself as P.W.1 and Ex.P1 to Ex.P7 were marked.

5. Ex.P1 is the death certificate of Mrs.Manjula J.Bhatt. Ex.P2 is the death certificate of Mr.Jagadish Bhatt. Ex.P3 legal heir certificate of Jagadish Bhatt would show that the petitioners are the only surviving legal



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heirs of the deceased. Exs.P4,P5 & P6 are the consents affidavits of the petitioners 1,2 and 4. Since the deceased died intestate, the petitioners who are the only surviving legal heirs, have got the right to inherit the securities mentioned in the schedule. Therefore, the petitioners have filed this Petition for grant of Succession Certificate.

6. The above oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate as prayed by them.

7. Hence:

(a) this Original Petition is ordered and

(b) The Succession Certificate shall be issued in favour of the third petitioner, with power to collect the securities with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petitioner in equal proportion on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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APPENDIX



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Petitioners' Witness:

P.W.1 – Mr.Piyush Jagadish Bhatt

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mrs.Manjula J.Bhatt.
Ex.P2	The computer generated death certificate of Mr.Jagadish Bhatt.
Ex.P3	The photocopy of the legal heirship certificate of Mr.Jagadish Bhatt.
Ex.P4	The consent affidavit of the first petitioner.
Ex.P5	The consent affidavit of the second petitioner.
Ex.P6	The consent affidavit of the fourth petitioner.
Ex.P7	The copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 19.07.2023.

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