



O.P.No.749 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.749 of 2022

1.Mr.Karthik Jayanand
2.Mrs.Anjana Viswanath

... 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 first 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 : Mr.J.V.Sakthi Balakrishnan

ORDER

This Original Petition has been filed under section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the first petitioner in respect of schedule mentioned securities of the deceased Vyjayanthi Jayanandan.



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

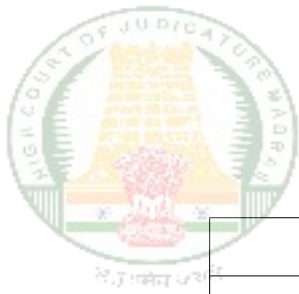
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The schedule mentioned security is said to have been purchased by the mother of the petitioners by name Vyjayanthi. The said Vyjayanthi died intestate on 05.10.2019 by leaving behind the petitioners as her legal heirs. The husband and the parents of Vyjayanthi predeceased her. The petitioners are the only legal heirs of the deceased Vyjayanthi. Hence the petitioners have filed this Original Petition for grant of Succession Certificate in favour of the first petitioner.

3. Paper publication effected. There is no objector.

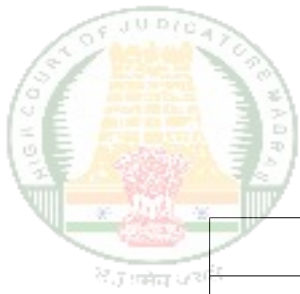
4. The 1st petitioner examined himself as P.W.1 and the following documents were marked as Exhibits P1 to P13:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The photocopy of the death certificate of Mr.C.S.Jayanandan.
Ex.P2	The photocopy of the legal heirship certificate of Mr.C.S.Jayanandan.
Ex.P3	The photocopy of the affidavit dated 05.03.2008 filed by Vyjayanthi stating that the shares held in the name of Vyjayanthi Jayanand,



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<i>Exhibits</i>	<i>Documents</i>
	Vyjayanthi Jayanandan, J.Vyjayanthi & K.Vyjayanthi in various companies held by are one and the same person.
Ex.P4	The computer generated death certificate of Mrs.Vyjayanthi Jayanand.
Ex.P5	The computer generated legal heir certificate of Mrs.Vyjayanthi.
Ex.P6	The E-mail dated 17.12.2021 sent by Bata India Ltd. to the 1 st petitioner.
Ex.P7	The original Auditor letter dated 15.03.2022 showing the valuation of the shares held by Vyjayanthi Jayanandan.
Ex.P8	The original letter dated 19.05.2022 issued by Bata India Ltd to the 1 st petitioner asking for Succession Certificate from the Competent Court of Law.
Ex.P9	The original letter dated 23.08.2022 issued by E.I.D.Parry (India) Ltd to the 1 st petitioner asking for Succession Certificate from the Competent Court of Law.
Ex.P10	The original Auditor letter dated 05.09.2022 showing the valuation of



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<i>Exhibits</i>	<i>Documents</i>
	the shares held by Vyjayanthi Jayanand.
Ex.P11	The consent affidavit given by the 2 nd petitioner.
Ex.P12	The copy of the paper publication effected in one issue of Tamil daily "Makkal Kural" dated 31.03.2023.
Ex.P13	The original affidavit filed by the first petitioner under Section 65B of the Indian Evidence Act.

5. The documents marked as Exs.P8 and P9 would show that the petition mentioned shares were owned by the mother of the petitioners Vyjayanthi. Ex.P4 is the death certificate of Vyjayanthi. The legal heir certificate is marked as Ex.P5 and that would show that the petitioners are the only legal heirs of the deceased Vyjayanthi. Since the deceased died intestate leaving the petitioners as her legal heirs, the Original Petition has been filed for seeking Succession Certificate. The publication issued in "Makkal Kural" on 31.03.2023 which is marked as Ex.P12 did not attract any objectors.

6. The above oral and documentary evidence produced by the



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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 first petitioner, with 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 earlier.

21.07.2023

Index :Yes/No
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