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O.P.No.622 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.06.2023**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**
O.P.No.622 of 2022

R.Krishnan

... Petitioner

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, 1925 and under Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the petitioner with power to collect the securities and to receive dividends thereon and negotiate and transfer the securities specified in the schedule hereunder.

For Petitioner : Mr.S.Gopi

ORDER

The petitioner seeks Succession Certificate in respect of the securities held by A.Rajagopal and Sathya Rajagopal, who died intestate on 09.06.2008 and 21.12.2011. The petitioner is the only son of the deceased A.Rajagopal and Sathya Rajagopal.

2. The petitioner has been examined as P.W.1. He has produced the death certificates of the deceased A.Rajagopal and Sathya Rajagopal, as Exs.P1 and P2. The legal heirship certificate of the deceased Sathya Rajagopal, is produced as, Ex.P3. A perusal of Ex.P3 shows that the



O.P.No.622 of 2022

petitioner is the only Class-I legal heir of the deceased Sathya Rajagopal. A paper publication has been made and any objections have not been received.

3. One D.Udhayasuriyan, has been examined as P.W.2, he is the co-parents in-law (sammandhi), of the deceased A.Rajagopal and Sathya Rajagopal. He states that he know all the family details of the petitioner, and the petitioner has obtained the legal heirship certificate of petitioner's mother, but he is unable to obtain his father's legal heirship certificate from Tahsildar Mambalam, as he died in Bangalore, and he is also unable to obtain the legal heirship certificate from Karnataka State, as the deceased A.Rajagopal has no address proof in Bangalore. Further he has submitted that there is no dispute as that the A.Rajagopal has no other legal heir by any means other than the petitioner.

4. In view of the above evidence, the Original Petition is allowed by granting Succession Certificate in favour of the petitioners, in respect of the debts mentioned in the schedule to the petition.

02.06.2023

pbn

Index :Yes/No



O.P.No.622 of 2022

Speaking: Yes/ No

Neutral Citation: Yes/No

WEB COPY

Petitioners' witness:

P.W.1 — Mr.R.Krishnan

P.W.2 – Mr.D.Udhayasuriyan

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Original death certificate of Mr.A.Rajagopal
Ex.P2	Computer generated death certificate of Mrs.Sathya Rajagopal
Ex.P3	Photocopy of the legal heirship certificate of Mrs.Sathya Rajagopal
Ex.P4	(Series 2 Nos) are the photocopies of the share certificates issued by the Hindustan Lever Limited standing in the names of Mr.A.Rajagopal and Mrs.Sathya Rajagopal
Ex.P5	Original communication dated 01.01.2020 addressed to the first petitioner by the Kfin Technologies Pvt Limited asking for succession certificate from competent Court of law.
Ex.P6	Original letter dated 20.12.2020 sent by the first petitioner to the Kfin Technologies Pvt Ltd
Ex.P7	Original letter dated 07.04.2021 sent by the first petitioner to the Kfin Technologies Pvt Limited
Ex.P8	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 17.11.2022.

02.06.2023

pbn



WEB COPY



O.P.No.622 of 2022

K.KUMARESH BABU,J.

pbn

O.P.No.622 of 2022

02.06.2023