



O.P.No.781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.07.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.781 of 2022

1.P.S.Raghunathan
2.S.Usha
3.P.S.Chandramouli

... 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.Infant Dinesh

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 P.R.Subramanyan.



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

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Mr.P.R.Subramanyan died intestate on 17.07.2022 leaving behind the petitioners as his legal heirs. The first petitioner is the elder son, the second petitioner is the wife and the third petitioner is the younger son of the deceased P.R.Subramanyan. The mother of late P.R.Subramanyan pre-deceased him. During his life time, the deceased created some movable asset out of his income. There are no other legal heirs of the deceased except the petitioners herein. The second and third petitioners have given no objection for granting Succession Certificate in favour of the first petitioner. Therefore, there is no impediment in granting Succession Certificate in favour of the first petitioner. Hence, for the purpose of transmitting the securities mentioned in the schedule to the name of the petitioners, they have come out with this Petition and prayed for the issuance of Succession Certificate.

3. Paper publication effected. There is no objector.

4. The first petitioner examined himself as PW.1 and Ex.P1 to Ex.P17 were marked through him and they are listed as hereunder:



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<i>Exhibits</i>	<i>Documents</i>
Ex.P1	the computer generated death certificate of Mr.P.R.Subramanyan.
Ex.P2	the computer generated legal heirship certificate of Mr.P.R.Subramanyan.
Ex.P3	the online copy of the statement of holdings of Axis Securities Limited bearing DP ID:IN304295 in respect of the deceased Mr.P.R.Subramanyan.
Ex.P4	the Email communication dated 01.09.2022.
Ex.P5	the Email communication dated 05.09.2022.
Ex.P6	the photocopy of the no objection certificate given by the 2 nd petitioner.
Ex.P7	the photocopy of the no objection certificate given by the 3 rd petitioner.
Ex.P8	the photocopy of the Aadhar Card of the first petitioner.
Ex.P9	the photocopy of the Aadhar Card of the second petitioner.
Ex.P10	the photocopy of the Aadhar Card of the third petitioner.
Ex.P11	the photocopy of the PAN Card of the first petitioner.
Ex.P12	the photocopy of the PAN Card of the second petitioner.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P13	the photocopy of the PAN Card of the third petitioner.
Ex.P14	the online copy of the statement of holdings of Axis Securities Limited bearing CDSL DP ID:IN49200 in respect of the deceased Mr.P.R.Subramanyan.
Ex.P15	the photocopy of the Aadhar Card of Mr.P.R.Subramanyan.
Ex.P16	the photocopy of the PAN Card of Mr.P.R.Subramanyan.
Ex.P17	the copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 07.03.2023.

5. Ex.P1 is the death certificate of P.R.Subramanyan who died on 17.07.2022 and the legal heir certificate of the deceased is marked as Ex.P2. Ex.P2 shows that the petitioners alone are the legal heirs of the deceased. Since the deceased died intestate, the petitioners who are the legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. Since the deceased died intestate, the petitioners have filed this Petition for grant of Succession Certificate.



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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 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.

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Index :Yes/No
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