



O.P.No.192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.192 of 2023

1.A.Joice Roy
2.A.P.Arul Santhosh
3.A.P.Arul Sheba @ Sheba Noah

... 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 second 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.P.Raja

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking issuance of Succession Certificate to the second petitioner in respect of schedule mentioned securities of the deceased P.A.S.Roy.



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

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The petition mentioned securities were belonged to one P.A.S.Roy. The said P.A.S.Roy died on 10.10.2019. The petitioners are the wife and the children of the deceased. The first petitioner is entitled to 1/3rd share of the estate of the deceased and the petitioners 2 and 3 are equally entitled for the remaining share. 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 second petitioner. The first and third petitioners have given their consent for grant of Succession Certificate in favour of the second petitioner. Since Succession Certificate is required for the purpose of transferring the petition mentioned securities, 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 second petitioner examined himself as P.W.1 and Ex.P1 to Ex.P6 were marked.

5. Ex.P1 is the death certificate of P.A.S.Roy who died on 10.10.2019. Ex.P2 legal heir certificate would show that the petitioners



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alone are the surviving legal heirs of the deceased. Exs.P4 & P5 are the consent affidavits given by the first and third petitioners. 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 second petitioner, with power to collect the securities with interest and dividends on and negotiate and transfer the securities specified in the schedule to the Petition 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

Petitioners' Witness:

P.W.1 – Mr.A.P.Arul Santhosh

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate P.A.S.Roy.
Ex.P2	The computer generated legal heir certificate of P.A.S.Roy.
Ex.P3	The photocopy of the share certificate of Apollo Hospitals Enterprise Limited bearing registered Folio No.7689 and certificate No.357691 standing in the name of P.A.S.Roy.
Ex.P4	The consent affidavit given by the first petitioner.
Ex.P5	The consent affidavit given by the third petitioner.
Ex.P6	The copy of paper publication effected in one issue of Tamil Daily “Malai Malar” dated 12.08.2023.

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R.N.MANJULA, J.

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