



O.P.No.480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.480 of 2022

1.M.Dhanalakshmi
2.D.Jothilakshmi
3.R.Nimmi
4.N.Sandhiya
5.M.Shobha

... 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 : Ms.Devi Sai Monica for
Mr.G.Mohammed Aseef

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 J.Munusamy.

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



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The petition mentioned securities were originally belonged to one J.Munusamy who is the husband of the first petitioner. The said J.Munusamy died on 20.05.2021 by leaving behind the petitioners as his legal heirs. The petitioners 2 to 5 are the daughters of the deceased J.Munusamy. The mother of the deceased predeceased him on 15.03.2020. 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 first petitioner. Since Succession Certificate is required for the purpose of transmission of the shares belonging to the deceased J.Munusamy, 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 herself as P.W.1 and Ex.P1 to Ex.P13 were marked.

5. Ex.P1 is the death certificate of J.Munusamy who died on 20.05.2021. The legal heir certificate of the deceased J.Munusamy is marked as Ex.P2 and the same would show that the petitioners are the only



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surviving legal heirs of the deceased J.Munusamy. Ex.P9 to P12 are the consent affidavits of the petitioners 2 to 5. 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 first 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:



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P.W.1 – Mrs.R.Nimmi

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of J.Munusamy who died on 20.05.2021.
Ex.P2	The computer generated legal heir ship certificate of J.Munusamy dated 30.08.2021.
Ex.P3	The computer generated death certificate of the mother of the deceased J.Munusamy who died on 15.03.2020.
Ex.P4	The certified copy of the statement of holdings in IIFL securities Ltd as on dated 23.02.2022.
Ex.P5	The certified copy of the statement of holdings in ICICI Direct as on dated 23.02.2022.
Ex.P6	The photocopy of the Aadhaar card of J.Munusamy.
Ex.P7	The photocopies of the Aadhaar card of the third petitioner and the other petitioners.
Ex.P8	The photocopies of the PAN card of the third petitioner and other petitioners.
Ex.P9	The consent affidavit of 2 nd petitioner in favour of 1 st petitioner.
Ex.P10	The consent affidavit of 3 rd petitioner in favour of 1 st petitioner.
Ex.P11	The consent affidavit of 4 th petitioner in favour of 1 st petitioner.
Ex.P12	The consent affidavit of 5 th petitioner in favour of 1 st petitioner.
Ex.P13	The paper publication effected in one issue of “Dhina Kural” dated 06.07.2023.

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