



WEB COPY



O.P.No.87 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.P.No.87 of 2021

1. A.S.Paripuranam (* Deceased on 12.06.2021)
S/o.Appadharana
Old No.66, New No.6,
Vishranthi Apartments,
Burkit Road, T.Nagar,
Chennai-600 017.
2. Jayashree Subramanian
W/o.Subramanian
C-4, Satyasraya Apartments,
No.132, 134, L.B.Road,
Thiruvanmiyur, Chennai-600 041.
3. P.Srinivasan,
S/o.A.S.paripuranam,
9113, Tetterton Avenue,
Vienna, UA, United States of America,
Rep. By POA Mr.A.S.paripuranam, the
1st petitioner herein.
4. P.Sivakami Sundari
W/o.M.P.Bala Subramanian,
C-2, No.105, Shriram Shankari Apartments,
Tower-5, Perumattunallur,
Guduvanchery, Chennai-603 202.



O.P.No.87 of 2021

5. T.Amukta Malyada,
W/o.Late P.Sadasivam

6. Abhinav Kadambi
S/o.late P.Sadasivam

Petitioners 5 and 6 are residing at:
No.9/5, K.V.K.Apartments, T.P.Koil Street,
Triplicane, Chennai-600 005.

... Petitioners

PRAYER: Original Petition filed under Section 372 of Indian Succession Act XXXIX of 1925 under Order XXV Rule 6 of O.S. Rules, prays that a Succession Certificate may be granted to the 5th petitioner with power to transfer the securities and to receive interest and dividends on and negotiate specified in the schedule hereunder pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : M/s.K.Moorthy
Mr.S.R.Sundar
Mr.P.Suresh
Mr.Stephen Raj

ORDER

The petitioners seek the grant of succession certificate in respect of the securities listed in the schedule to the petition.



O.P.No.87 of 2021

2. The petitioners state that the deceased 1st petitioner was the husband of Mrs.P.Swarna, the 2nd to 4th petitioners were her children, the 5th petitioner was her daughter-in-law and the 6th petitioner was her grandson.

3. The petitioners assert that P.Swarna died intestate on 05.12.2015. At the time of her death, she was survived by five legal heirs. Out of the five, four are the petitioners herein. One of her sons, Mr.P.Sadhasivam, died on 02.09.2016 and is survived by the 5th and 6th petitioners.

4. In order to establish entitlement to the relief claimed, the petitioners adduced evidence by examining the 5th petitioner as PW1. In course of the examination-in-chief of PW1, the 15 documents listed at the foot of this order were exhibited as Exs.P1 to P15. The death certificate of Mrs.P.Swarna (Ex.P1) discloses that she died on 05.12.2015. This document also discloses the address of the deceased, which is within the jurisdiction of this Court. The legal heirship certificate in respect of Mrs.P.Swarna (Ex.P3) discloses the names of the now deceased 1st petitioner, 2nd, 3rd and 4th petitioners. Paper publication was effected



O.P.No.87 of 2021

(Ex.P11). The 2nd, 3rd, 4th and 6th petitioners have provided their consent affidavits in respect of the grant of a succession certificate to the 5th petitioner.

5. Based on the assertions in the petition and the evidence adduced in support thereof, the petitioners are entitled to the relief claimed. Consequently, O.P.No.87 of 2021 is allowed by granting a succession certificate to the 5th petitioner in respect of the securities described in the schedule to the petition. Consequently, the 5th petitioner is entitled to collect the said securities, receive dividends thereon and negotiate and transfer the same.

09.02.2023

kal

Index : Yes / No

Petitioner's witness:

P.W.1 – Mrs.Amukta Malyada



O.P.No.87 of 2021

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mrs.P.Swarna.
Ex.P2	The computer generated death certificate of P.Sadhasivam.
Ex.P3	The photocopy of the Legal Heirship Certificate of Mrs.P.Swarna (Compared with the original).
Ex.P4	The photocopy of the Legal Heirship Certificate of Mr.P.Sadhasivam. (Compared with the original).
Ex.P5	(Series 6 Nos.) are the photocopies of the share certificates of Reliance Industries Limited standing in the name of P.Swarna (Compared with the original).
Ex.P6	The photocopy of the letter dated 29.11.2017 addressed to the 1 st petitioner by Karvy Computershare Private Limited (Compared with the original).
Ex.P7	The photocopy of the Family Card standing in the name of the 1 st petitioner (Compared with the original).
Ex.P8	The photocopy of the power of attorney dated 25.06.2021 given by the 3 rd petitioner in favour of the 2 nd petitioner (Compared with the original). This document is marked subject to its admissibility, proof and relevancy).
Ex.P9	The computer generated death certificate of Dr.A.S.Paripuranam.
Ex.P10	The photocopy of my Aadhaar card (Compared with the original).
Ex.P11	The copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 27.03.2021.



O.P.No.87 of 2021

<i>Exhibits</i>	<i>Documents</i>
Ex.P12	The consent affidavit given by the 2 nd petitioner.
Ex.P13	The consent affidavit given by the 3 rd petitioner.
Ex.P14	The consent affidavit given by the 4 th petitioner.
Ex.P15	The consent affidavit given by the 6 th petitioner.

09.02.2023 =

kal



WEB COPY



O.P.No.87 of 2021

SENTHILKUMAR RAMAMOORTHY,J

kal

O.P.No.87 of 2021

09.02.2023