

**O.P.No.340 of 2022****N.SATHISH KUMAR, J.**

This Petition has been filed under Section 372 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioner in respect of the equity shares described in the schedule, left by the deceased N. Krishnamoorthy.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the deceased N.Krishnamoorthy is the father of the first and second petitioners and maternal grandfather of the petitioners 3 and 4. The deceased N.Krishnamoorthy died on 29.01.2022 and his wife namely Vasantha.K pre-deceased him on 21.03.2011. The mother of the 3rd and 4th petitioners viz., Mrs.Mathurabashini pre-deceased her father on 23.04.2006, as such, the petitioners 3 and 4 became class 1 legal heirs of their grandfather as per Hindu Succession Act. As the 3rd and 4th petitioners are residing abroad,



they are represented through their Power of Attorney Agent Mr.K.Neelakanda, who is the 2nd petitioner herein.

3.1. The deceased left certain investments in equity shares, valuing to the tune of Rs.47,98,437.05 within the jurisdiction of this Court.

3.2. The deceased died intestate without executing a Will and though due and diligent search has been made for a Will, nothing has been found.

3.3. The petitioners herein, as class-1 legal heirs of the deceased claim that they are entitled for respective shares in the schedule mentioned assets left by the deceased. The succession certificate is required for the purpose of making further investments and to discharge personal commitments.

3.2 Hence, the petitioners have approached this Court for grant of succession certificate in favour of them with power to collect the debts as specified in the schedule.

4. The 1st petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.11

5. P.W.1 in his evidence had narrated the averments made in the



petition stating that the petitioner has filed this petition for grant of Succession Certificate in favour of the petitioners.

6. Ex.P.1 to P.3 are filed to prove the nature of shares held by the deceased N.Krishnamoorthy. Ex.P.4 is the copy of the death certificate of the deceased N.Krishnamoorthy which proves the death of the deceased. Ex.P.5 is the copy of the original legal heirship certificate of the deceased N.Krishnamoorthy which shows that the petitioners are the class 1 legal heirs of the deceased. Ex.P.6 is the copy of the death certificate of K.Vasantha, wife of the deceased. Ex.P.7 is the death certificate of the daughter of the deceased viz., K.Madura Bashini. Ex.P.8 is the copy of legal heirship certificate of S.Madura Bashini. Ex.P.11 is the Paper publication effected in 'Makkal Kural' in respect of the equity shares left by the deceased stating that if any one having claim over the debt of the deceased, he may raise objection, but none has objected for it. .

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7. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased N. Krishnamoorthy.

8. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioners with power to collect and to receive deposits specified in the schedule together with interest, if any, as applicable till the date of withdrawal, is issued.

09.10.2023

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