



O.P.No.784 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA
O.P.No.784 of 2022

1.M.Thangam Murali
2.M.Manoj Murali
3.Bindu S.Chennakesavan

... 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.V.M.Venkatramana

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 R.Muraleedharan Nayar.



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

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The petition mentioned securities were belonging to R.Muraleedharan Nayar. The said R.Muraleedharan Nayar died on 22.09.2020. The petitioners are the wife and children of R.Muraleedharan Nayar. The parents of the deceased predeceased him. The petitioners are entitled to 1/3rd share each in the debts of the deceased. 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.P9 were marked.

q5. Ex.P1 is the death certificate of R.Muraleedharan Nayar who died on 22.09.2020. Ex.P2 legal heir certificate would show that the petitioners



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alone are the surviving legal heirs of the deceased. Ex.P7 is the consent affidavit given by the first and third petitioners jointly. 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.M.Manoj Murali

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of R.Muraleedharan Nayar.
Ex.P2	The computer generated legal heir certificate of R.Muraleedharan Nayar.
Ex.P3	The online printout of statement of holding as on 30.03.2021 in respect of shares and securities held by Mr.Raghavan Muraleedharan bearing A/C.No.40526554035 issued by Nippon India Mutual Fund.
Ex.P4	The photocopy of the Aadhaar Card of the first petitioner.
Ex.P5	The photocopy of the Aadhaar Card of the second petitioner.
Ex.P6	The photocopy of the Aadhaar Card of the third petitioner.
Ex.P7	The consent affidavit given by the first and third petitioners jointly.
Ex.P8	The affidavit filed by the second petitioner under Section 65B of Evidence Act.
Ex.P9	The copy of paper publication effected in one issue of Tamil Daily “Dina Kural” dated 04.02.2023.

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