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O.P.No. 783 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 783 of 2022

1.RM Lakshmi
2.RM Suresh
3.RM Shanthi
4.RM Vinoth Karthik

... Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of Original Side Rules, prays that a Succession Certificate may be granted to the 2nd petitioner i.e., R M Suresh with the power to collect the Securities and to receive the interest or dividends thereon and Negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Ms.Mithreyi Kasthurirangan

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition mentioned securities owned by the father of the 2nd petitioner by name C.K.P.Ramanathan.



2. The 1st petitioner is the wife of C.K.P.Ramanathan and the petitioners 2 to 4 are the sons and daughter of the C.K.P.Ramanathan. The said C.K.P.Ramanathan died on 26.11.2017 and the securities detailed in the schedule belonged to him and he died intestate. The petitioners are the only surviving legal heirs of the deceased C.K.P.Ramanathan; hence, the petitioners have filed this original petition for grant of Succession Certificate in favour of the 2nd petitioner.

3. The 2nd petitioner is examined himself as PW.1 and the following documents were marked through him and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated copy of the death certificate of Ramanathan dated 13.12.2017.
Ex.P2	The photocopy of the legal heir ship certificate of C.K.P. Ramanathan dated 01.03.2018 (compared with original)
Ex.P3	The printout of the email sent by the 2 nd petitioner to Integrated Registry Management Services Private Limited dated 26.09.2022
Ex.P4	The printout of the email sent by Integrated Registry Management Services Private Limited to the 2 nd petitioner dated 30.09.2022
Ex.P5	The original certificate showing value of hare dated 27.10.2022
Ex.P6	The photocopy of the Aadhar of deceased CKP.Ramanathan. (compared with original)
Ex.P7	The photocopy of the Aadhar of 1 st petitioner. (compared with original)



<i>Exhibits</i>	<i>Documents</i>
Ex.P8	The photocopy of the Aadhar of 2 nd petitioner (compared with original)
Ex.P9	The photocopy of the Aadhar of 3 rd petitioner.(compared with original)
Ex.P10	The photocopy of the Aadhar of 4 th petitioner (compared with original)
Ex.P11	The consent affidavit of 1 st petitioner dated 27.10.2022
Ex.P12	The consent affidavit of 3 rd petitioner dated 27.10.2022
Ex.P13	The consent affidavit of 4 th petitioner dated 27.10.2022
	Section 65B affidavit is filed along with proof affidavit for Ex.P3 and Ex.P4

4. The petitioners 1, 3 & 4 have given their consent affidavits in favour of the 2nd petitioner and the same have been marked as Ex.P-11, 12 & 13. The legal heir certificate produced as Ex.P2 would show that except the petitioners there are no other surviving legal heirs for the deceased C.K.P.Ramanathan. Since the said C.K.P.Ramanathan died intestate, the petitioners, who are his only legal heirs are entitled to inherit the securities among themselves equally. The paper publication issued in Tamil daily "Makkal Kural" dated 26.04.2023 did not attract any objectors.

5. Based on the above oral evidence of PW.1 and the documentary evidence produced, the petitioners have proved their claim. In view of the



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consent given by the other petitioners 1, 3 and 4 in favour of the second petitioner, the succession certificate can be issued to the second petitioner.

6.Hence:

(a) the petition is **ordered** and

(b) The Succession Certificate shall be issued in favour of the 2nd petitioner with a power to collect the debts with interest and dividends on and negotiate and transfer the securities (shares) specified in the schedule to the petition on payment of appropriate succession duty, if it not paid already.

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