



WEB COPY



O.P.No. 193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.08.2023**

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No. 193 of 2023

1.Venkateswaran. D

2.Vijaya Anand

3.R.Gomathi

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Petitioners

PRAYER: Original Petition filed for Succession Certificate under Section 372 the Indian Succession Act-1925 under Order XXV Rule 6 of the Rules of the Madras High Court Original Side, 1956, prays that a Succession Certificate may be granted to the petitioners with power to collect the debts securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.R.J. Radhika

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 late V.Dakshinamoorthy.

2. The royalty set out in the petition has been owned by the father of the petitioners, who are the brothers and sister. V.Dakshinamoorthy died



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intestate on 02.08.2012 leaving behind his wife and his three children are his legal heirs. The mother of the petitioner also died on 22.10.2021. The parents of V.Dakshinamoorthy also predeceased him. Hence, the petitioners, the only surviving legal heirs of V.Dakshinamoorthy, are entitled to share of the estate of the deceased, being the royalty amount accrued and to be accrued; hence, the petitioners have filed this petition seeking to grant a succession certificate.

3. The first petitioner is examined himself as PW.1 and Ex.P1 to P5 were marked through him and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Mr.V.Dakshinamoorthy.
Ex.P2	The computer generated death certificate of Mrs.D.Kalyani.
Ex.P3	The photocopy of the Legal Heirship certificate of Mr.V.Dakshinamoorthy. (compared with the original)
Ex.P4	The computer generated Legal Heirship certificate of Mrs.D.Kalyani.
Ex.P5	The copy of paper publication effected in one issue of Tamil daily 'Maalai Tamizhagam' dated 18.06.2023.

4. The death certificates of V.Dakshinamoorthy and D.Kalyani are produced as Ex.P1 and P2 and the legal heir certificate of V.Dakshinamoorthy and D.Kalyani are produced as Ex.P3 and P4 and they



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would show that except the petitioners there are no other legal heirs for them. The paper publication issued in Tamil daily 'Maalai Tamizhagam' dated 18.06.2023 did not attract any objectors.

5. Since the said V.Dakshinamoorthy died intestate, the petitioners, who are his only legal heirs, are entitled to inherit the securities among themselves equally. In view of oral and documentary evidence produced by the petitioners, the prayer sought by the petitioners for grant of Succession Certificate should be granted.

6. Hence:

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

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

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jrs

Index :Yes/No



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