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O.P.No. 159 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. 159 of 2023

1.Arlene Arthy Jayasekar

2.Aksaana Diwaker
represented by Arlene Arthy Rajagopal
Legal Guardian and Next Friend.

3.Neysaa Diwaker
represented by Arlene Arthy Rajagopal
Legal Guardian and Next Friend

4. Kumudha Rajagopal ... Petitioners

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

For Petitioners : Mr.Athiban Vijay A.K.

ORDER

This Petition has been filed under Section 372 of the Indian Succession Act for grant of Succession Certificate in respect of the petition



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mentioned securities owned by late R.Diwaker.

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2. The shares set out in the petition has been purchased by R.Diwaker, who died intestate on 28.12.2020 leaving behind the petitioners are his only legal heirs. The first petitioner is the wife and the petitioners 2 and 3 are the daughters and the 4th petitioner is the mother of late R.Diwaker. As his legal heirs, the petitioners are entitled to get the same, hence the petitioners have filed this petition seeking to grant succession certificate.

3. The petitioner has examined herself as PW.1 and Ex.P1 to P4 were marked through her and they are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	The computer generated death certificate of Diwaker R. (compared with the original)
Ex.P2	The computer generated Legal Heirship certificate of Diwaker Rajagopal.
Ex.P3	The photocopy of the statement dated 18.05.2022 issued by HDFC Bank Limited in respect of shares and securities held by Diwaker Rajagopal in DP Account No.50958866. (compared with the original)
Ex.P4	The paper publication effected in Tamil daily 'Dinakural' dated 01.07.2023.

4. The death certificate of K.Diwaker is produced as Ex.P1, it is seen that K.Diwaker died on 28.12.2020. The legal heir certificate of K.Diwaker has been marked as Ex.P2 and that would show that except the petitioners,



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there are no other legal heirs to him. The paper publication issued in Tamil daily 'Dinakural' dated 01.07.2023 did not attract any objectors.

5. Since the said K.Diwaker died intestate, the petitioners, his only legal heirs, are entitled to inherit the securities 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 petitioners 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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