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O.P.No. 222 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. 222 of 2023

1.S.Padma Devi
2.S.Satheeba
3.S.Sathish

...

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 : M/S.TN.Buvaneswaran

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 P.Samikannu Nadar.

2. The shares set out in the petition has been purchased by one P.Samikannu Nadar. The said P.Samikannu Nadar died intestate on 15.08.2015. The 1st petitioner is the wife, the 2nd petitioner is the daughter



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and the third petitioner is the son of late P.Samikannu Nadar are the only legal heirs of him. As the surviving legal heirs of the deceased petitioners are entitled to equal share in the schedule mentioned asset and hence the petitioners have filed this petition seeking to grant succession certificate.

3. The 3rd 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 photocopy of the death certificate of P.Samikannu (compared with the original)
Ex.P2	The photocopy of the Legal Heirship certificate of P.Samikannu (compared with the original)
Ex.P3	The photocopy of the share certificate in Tamilnadu Mercantile Bank Limited bearing certificate No.24921 standing in the name of Samikannu Nadar.P (compared with the original)
Ex.P4	The photocopy of the letter from LINK Intimate Private Limited dated 05.10.2022 addressed to the 3 rd petitioner asking for succession certificate from competent court of law. (compared with the original)
Ex.P5	The paper publication effected in Tamil daily "Makkal Kural" dated 02.07.2023 (compared with the original)

4. From the death certificate of P.Samikannu is produced as Ex.P1, it is seen that P.Samikannu died on 15.08.2015. The legal heir certificate of P.Samikannu has been marked as Ex.P2 would show that except the



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petitioners there are no other legal heirs to him. The photocopy of the share certificate in Tamilnadu Mercantile Bank Limited bearing certificate No.24921 is marked as Ex.P3 and that would show that the shares stood in the name of late P.Samikannu. The paper publication issued in Tamil daily 'Makkal Kural' dated 02.07.2023 did not attract any objectors.

5. Since the said P.Samikannu 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 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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