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O.P.No.134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.134 of 2023

1. Meenakshi Somasundaram

2. Meenakshi

3. Meenakshi. M

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Petitioners

Original Petition is filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules 1956, to grant Succession Certificate to the first petitioner with power to collect the securities and receive the interest and dividends thereon, negotiate and transfer the securities specified in the Schedule thereto.

For Petitioners : Ms.K.P.Uma Maheshwari

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925 (Act XXIX of 1925) read with Order XXV Rule 6 of the Original Side Rules, to grant Succession Certificate to the first petitioner with the power to collect securities and receive the interest and dividends thereon, negotiate and transfer the securities specified in the Schedule thereto.



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

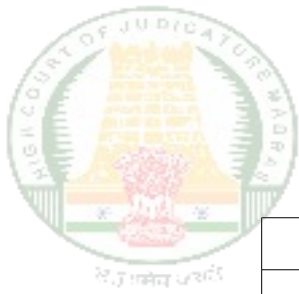
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The petition mentioned securities were owned by one S.Meyyappan.

The first petitioner is the son, the second petitioner is the daughter and the third petitioner is the wife of deceased S.Meyyappan. The said S.Meyyappan died intestate on 28.06.2004 leaving behind the petitioners as his sole legal heirs. Hence the petitioners are entitled to inherit the securities owned by the deceased. The second and third petitioner have given their consent in favour of the first petitioner for grant of succession certificate.

3. The first petitioner examined himself as P.W.1 and the following documents were marked:

<i>Exhibits</i>	<i>Documents</i>
P1	Photocopy of the death certificate of Mr.S.Meyyappan (compared with original)
P2	Photocopy of the legal heirship certificate of S.Meyyappan (compared with original)
P3	Consent affidavit given by the second petitioner
P4	Consent affidavit given by the third petitioner
P5	Photocopy of the letter dated 24.09.2019 addressed to me by Karvy Fintech Pvt. Ltd. Regarding the shares held by S.Meyyappan with Carborundum Universal Limited (compared with original)
P6	Photocopy of the share certificate of Hero Honda Motors Limited bearing certificate No.513947 held by Mr.S.Meyyappan along with the letter dated 12.12.2005 regarding the release of share certificate after split (compared with original)



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<i>Exhibits</i>	<i>Documents</i>
P7	(Series 4 nos.) Photocopies of share certificates of City Union Bank Limited in respect of the shares held by Mr.S.Meyyappan (compared with the originals)
P8	Photocopy of the letter dated 19.09.2019 addressed to P.W.1 by Karvy Fintech Private Limited regarding the shares held by Mr.S.Meyyappan (compared with the originals)
P9	(series 22 Nos.) Photocopies of the share certificates of Reliance Industry Limited and Reliance Textile Industries Limited held by Mr.S.Meyyappan (compared with the originals)
P10	(series 6 Nos.) Photocopies of the letters addressed to P.W.1 by Karvy Fintech Pvt. Ltd. Regarding the shares held by S.Meyyappan with Carborundum Universal Limited (compared with the original).
P11	(series 3 Nos.) Photocopies of the letters addressed to P.W.1 by TSR Consultants regarding the shares held by S.Meyyappan with Carborundum Universal Limited (compared with the original)
P12	Photocopy of the letter dated 20.09.2019 addressed to P.W.1 by ITC Limited regarding transmission of shares of Mr.S.Meyyappan (compared with the original)
P13	Copy of paper publication effected in one issue of Tamil daily "Maalai Murasu" dated 06.06.2023.

3. News paper publication effected. No objectors.

4. Ex.P1 is the death certificate of S.Meyyappan who died on 28.06.2004 and the legal heirship certificate of the deceased is marked as Ex.P2 and that would show that the petitioners alone are the legal heirs of the deceased. The second and third petitioner have filed their consent affidavit to issue succession certificate in favour of the first petitioner which has been marked as Ex.P3 and P4.



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5. Since the deceased died intestate, the petitioners who are his legal heirs have got the right to inherit the securities mentioned in the schedule equally among themselves. The oral and documentary evidence produced by the petitioners would prove their entitlement for the grant of Succession Certificate.

7.Hence:

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

(b) The Succession Certificate shall be issued in favour of the first petitioner, with 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.

20.07.2023

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Index :Yes/No



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APPENDIX

Witness Examined:

P.W.1 – Mr.Meenakshi Somasundaram

Documents marked:

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