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O.P.No.125 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**
O.P.No.125 of 2023

1. Arshad Humayune Dada
2. Yusuf I H Dada
3. Suhail Humayune Dada

... Petitioners

Original Petition filed under Section 372 of The Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, 1956 to grant succession certificate to the first petitioner with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities in the schedule hereto.

For Petitioners : Mr.S.Prem Auxilian Raj

ORDER

The petition is filed under section 372 of the Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, 1956 seeking issuance of Succession Certificate to the first petitioner with power to collect the securities and to receive the interest and dividends



O.P.No.125 of 2023

thereon and negotiate and transfer the securities in the schedule hereto.

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

The petition mentioned securities was originally owned by one Razia Humayune Dada, who died on 19.01.2022. The petitioners are the sons of the deceased and they are the only surviving legal heirs of the deceased Razia Humayune Dada. The husband of the deceased Razia Humayune Dada predeceased her on 26.11.2020. Since the deceased Razia Humayune Dada died intestate, the petitioners are entitled to inherit their shares mentioned in the schedule. As they are in need of succession certificate to transmit the same in their names, the petitioners filed this petition for seeking succession certificate.

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

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated copy of the death certificate of Humayune Umar Dada issued on 27.12.2020



O.P.No.125 of 2023

<i>Exhibits</i>	<i>Documents</i>
Ex.P2	Computer generated copy of the death certificate of Razia Humayune Dada issued on 07.02.2022.
Ex.P3	Computer generated copy of the legal heir certificate of Razia Humayune Dada dated 09.03.2022.
Ex.P4	Certified copy of the statement of holdings given by National Securities Depository Limited in respect of the shares held by the deceased Razia Humayune Dada in DP ID:IN301549 dated 19.09.2022.
Ex.P5	Paper publication in Makkal Kural, Tamil Daily, Chennai edition dated 22.04.2023.

4. From the Death Certificate (Ex.P1) of the Humayune Umar Dada, it is seen that he is the husband of Razia Humayune Dada and he died on 26.11.2020. The owner of the securities viz., Razia Humayune Dada died on 19.01.2022. From the legal heir certificate (Ex.P3), it is found that the petitioners are the only surviving legal heirs of the deceased Razia Humayune Dada. The Print Holding statement (Ex.P4) would show that the shares owned by the deceased Razia Humayune Dada. The petitioners 2 & 3 have filed the consent affidavit by expressing their consent to give the succession certificate in favour of the first petitioner.

5. The paper publication issued in Tamiil daily “Makkal Kural” dated 22.04.2023 did not attract any objectors.



O.P.No.125 of 2023

WEB COPY

6. Since the petitioners are the only legal heirs of the deceased Razia Humayune Dada, who is the owner of the petition mentioned assets, they are entitled to get succession certificate as claimed.

7. Hence, the Original petition is ordered and the Succession Certificate shall be issued in favour of the first petitioner, with power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities in the schedule hereto on payment of appropriate succession duty, if it is not paid already.

31.08.2023

Index :Yes/No

Speaking Order : Yes/No
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O.P.No.125 of 2023

R.N.MANJULA, J.

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O.P.No.125 of 2023

31.08.2023