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O.P.No.330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.P.No.330 of 2022

R.Karthikeyan

Rep. by Power of Attorney

Shanmugam Gopalsamy

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Petitioner

Original Petition filed under Section 372 of Indian Succession Act, 1925 r/w. Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate to the petitioner represented by power agent Shanmugam Gopalsamy with power to collect the debts and securities and to receive the interest and dividends on and negotiate and transfer the shares and securities specified in the schedule hereto.

For Petitioners : Mr.U.Karunakaran

ORDER

The 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, seeking issuance of Succession Certificate to the petitioner represented by his power agent with power to collect the debts and securities and to receive



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the interest and dividends and negotiate and transfer the securities specified in the schedule.

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

The securities set out in the schedule of the petition belongs to one S.Nithyapriya. R.Karthikeyan is the husband of the deceased S.Nithyapriya. The said S.Nithyapriya died intestate on 09.10.2009 issueless leaving behind her husband as her only legal heir. The husband had filed this petition through his power agent Shanmugam Gopalsamy to get the Succession Certificate in respect of the securities mentioned in the petition.

3. News paper publication effected. No objectors.

4. The power agent Shanmugam Gopalsamy is examined as P.W.1 and Ex.P1 to Ex.P9 were marked which are listed as hereunder:

<i>Exhibits</i>	<i>Documents</i>
P1	Original death certificate of Nithya Priya
P2	Computer generated legal heirship certificate of K.Nithyapriya
P3	Online print out of statement of holding as on 03.11.2018 in Axis Bank Limited, Mylapore in respect of shares and securities held by Nithya Priya S.
P4	Photocopy of the letter dated 20.03.2017 addressed to Nithya Priya S issued by Axis Bank, Mylapore Branch (Compared with the original)
P5	Photocopy of the power of attorney dated 21.08.2018 given by the petitioner in my favour (compared with the original)



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<i>Exhibits</i>	<i>Documents</i>
P6	Photocopy of Shanmugam Gopalsamy's Aadhar card
P7	Photocopy of letter issued by Axis Bank, Tambaram Branch address to me stating the demat account details held by me (Compared with the original)
P8	Photocopy of savings bank account passbook bearing account No.91800005626703 standing in the name of Shanmugam Gopalsamy in Axis Bank Limited, Tamabaram Branch (compared with the original)
P9	Copy of paper publication effected in one issue of Tamil daily "Makkal Kural" dated 23.01.2023.

6. Ex.P1 is the death certificate of Nithya Priya who died on 09.10.2009 and the legal heirship certificate of the deceased which is marked as Ex.P2 would show her husband R.Karthikeyan is her only legal heir. Since the deceased died intestate, her husband R.Karthikeyan has got the right to inherit the securities mentioned in the schedule. Hence this petition is filed by her husband for grant of Succession Certificate.

6. The above documentary evidence produced by the petitioner would prove the entitlement of R.Karthikeyan for the grant of Succession Certificate as prayed.

7.Hence:



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

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(b) The Succession Certificate shall be issued in favour of R.Karthikeyan, husband of deceased Nithya Priya, with power to collect the debts and securities and to receive the interest and dividends and negotiate and transfer the shares and securities in the schedule, on payment of appropriate succession duty, if it not paid already.

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Index :Yes/No



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Petitioner side witness:

P.W.1 – Shanmugam Gopalsamy

Documents marked on the side of the petitioner:

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