O.P.No.172 of 2023

A.A. NAKKIRAN, J,

This petition has been filed under Section 372 of the Indian Succession Act read with Order XXV Rule 6 of the Original Side Rules, to grant succession certificate to the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedules.

2.Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3.It is the case of the petitioner that the petitioner is the second wife of the deceased S.Sivakumar. The first wife of the deceased, namely, Ms.Umaselvi predeceased him on 08.08.1995. The said Sivakumar died on 15.02.2015. The deceased S.Sivakumar died intestate. At the time of death, the deceased left the persons who are the petitioner and the respondents herein, as his surviving next kin. One Mr.Sivasamy died on 03.04.2019 who was the father of the deceased Mr.S.Sivakumar. The other legal heirs/respondents are willing to give their consent in favour of the petitioner, the first legalheir of the deceased to apply for a Succession Certificate from this Court. The petitioner is the only next kin of the deceased, entitled to claim to a share of the securities receivable in respect of the deceased S.Sivakumar. Further, the deceased during his lifetime invested certain amount with Tamilnad Mercantile Bank Limited, and purchased 3 equity shares vide Certificate Number as given in Annexure – 1 for which 1500 bonus shares have been issued brining the total number of shares to 1503 which is morefully set out in the schedule.

4.The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts mentioned in the schedule. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of transferring / realizing the numbers of equity shares of Late S.Sivakumar with all rights and privileges accrued therein. The market value of the said securities in respect of which the succession certificate is required of the value of Rs.7,18,509.75p. Hence, the petitioner has approached this Court for grant of succession certificate in favour of the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedules.

5.The petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.6.

6.P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioner has filed this petition for grant of Succession Certificate in favour of the petitioner. Ex.P.1 is the computer generated death certificate of the deceased S.Sivakumar. Ex.P.1 has been filed to prove that the deceased died on 15.02.2015. Ex.P.2 is the photocopy of the legal heirship certificate of the deceased S.Sivakumar. Ex.P.3 is the computer generated death certificate of Mr.P.Sivasamy. Ex.P.4 is the photocopy of the share certificate bearing Certificate No.23836 in Tamilnad Mercantile Bank Limited held by Mr.S.Sivakumar. Ex.P.5 is the original letter dated 01.01.2022 given by Tamilnad Mercantile Bank Limited addressed to the ptitiner stating the current value of the shares held by Mr.S.Sivakumar and asking for succession certificate. Ex.P.6 is the copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 28.09.2023.

Considering the averments made in the petition and the documents filed by the petitioner, I am satisfied that the petitioner has succeeded the Estate of the deceased S.Sivakumar. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the petitioner with power to collect the securities and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedules.

09.02.2024

mps

A.A. NAKKIRAN, J,

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