



O.P.No.363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 04.12.2024

Pronounced on : 11.12.2024

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.363 of 2024

- 1.B.Premchand
- 2.P.Kousalya Kanwar
- 3.Sunitha Srinivasan
- 4.P.Rajesh Gulecha
- 5.P.Rakesh Kumar
- 6.Santha
- 7.Aswin Kumar
- 8.Madan Kumar
- 9.Vasantha
- 10.Reshma Jain
- 11.Deepak Kumar

... Petitioners

Prayer: Original Petition has been filed under Sections 372 of Indian Succession Act(39) of 1925 read with Order XXV Rule 6 of Original Side Rules that pleased to grant succession certificate to the 1st petitioner with power to collect the securities and to receive the interest and dividends thereon, and negotiate and transfer the securities specified in the schedule hereunder.

For Petitioners : Mr.T.K.S.Bharathy Anandraj

ORDER

The Original Petition has been filed under Section 372 of Indian Succession Act 1925 read with Order XXV Rule 6 of Original Side Rules for issuance of a



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Succession Certificate in respect of the securities held by late B.Kousalya @

Kawasilya Kawar.

2. The deceased B.Kousalya @ Kawasilya Kawer, a resident of Chennai, died intestate on 11.05.2020. Her husband, Bhawarlal, predeceased her. During her life time, the deceased B.Kousalya held shares and securities, as more fully described in the schedule of the petition. After her death, her legal heirs are entitled to have these shares transferred in their name. She had four sons by name, Prakashchand, Premchand, Gouthamchand and Uthamchand. Two of her sons Gouthamchand and Uthamchand, predeceased her, leaving behind their respective wife and two children each besides their mother. After her death, her son Prakashchand also died on 30.10.2022, leaving behind his wife and three children. The sole surviving son Premchand, along with the three daughters-in-law and the grandchildren, are the petitioners before this Court seeking the Succession Certificate as the class 1 heir of the deceased B.Kousalya @ Kawasilya Kawer.

3. To prove their claim, Premchand, the 1st petitioner, has mounted the witness box and marked the following documents as Ex.P1 to Ex.P13. The other petitioners have filed consent affidavits for the grant of letters of administration in favour of the 1st petitioner concerning the securities left by the late B.Kousalya @ Kawasilya Kawer.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Computer generated death certificate of Mrs.B.Kousalya
Ex.P.2	Computer generated legal heir ship certificate of Mrs.B.Kousalya
Ex.P.3	Photocopy of the letter dated 07.06.2019 issued by Integrated Registry Management Services Pvt Ltd addressed to Mrs.B.Kawasilya Kawer in respect of shares held by her
Ex.P.4	Photocopy of the share certificate in Caplin Point Laboratories Ltd standing in the name of Mrs.Kawasilya Kawer
Ex.P.5	Photocopy of my Aadhaar card
Ex.P.6	Computer generated death certificate of Mr.B.Prakash Chand
Ex.P.7	Computer generated legal heir ship certificate of Mr.B.Prakash Chand
Ex.P.8	Computer generated death certificate of Mr.Goutham Chand
Ex.P.9	Computer generated legal heir ship certificate of Mr.Goutham Chand
Ex.P.10	Computer generated death certificate of Mr.B.Utham Chand
Ex.P.11	Computer generated legal heir ship certificate of Mr.B.Utham Chand
Ex.P.12	Certificate under Section 65 B of the Indian Evidence Act, 1872
Ex.P.13	Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 20.08.2024

4. On perusal of the exhibits, the death of B.Kousalya @ Kawasilya Kawer, wife of Bhawarlal on 11.05.2020, is proved through Ex.P2. The death certificates and legal heir certificates of B.Kousalya @ Kawasilya Kawer's three sons establish that petitioners 2 to 11 are her surviving legal heirs. The consent affidavits filed by petitioners 2 to 11, agreeing to grant letters of administration in favour of Premchand, the 1st petitioner is taken into consideration.



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5. In the result, this *Original Petition stands Allowed*. The Succession

Certificate is issued to the 1st petitioner in respect of the securities more fully described in detail in the schedule to the petition. The petitioner shall provide an account of the debts and payments to the legatees. The statement of accounts must be filed within six months from the date of the grant of the Succession Certificate.

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Index: Yes/No.

Internet : Yes/No.

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Petitioner's witness:

P.W.1 –B.Premchand

Documents marked:

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<i>Exhibits</i>	<i>Documents</i>
Ex.P.8	Computer generated death certificate of Mr.Goutham Chand
Ex.P.9	Computer generated legal heir ship certificate of Mr.Goutham Chand
Ex.P.10	Computer generated death certificate of Mr.B.Utham Chand
Ex.P.11	Computer generated legal heir ship certificate of Mr.B.Utham Chand
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Dr.G.JAYACHANDRAN, J.

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delivery order made in
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