



WEB COPY

O.P.No.220 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.09.2024**

CORAM

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**O.P.No.220 of 2024**

1.Revathy Sampath  
2.S.R.Divya Lakshme  
3.S.R.Movanthikaa  
(Minors 1 & 2 rep. By their  
mother and natural guardian  
Mrs.Revathy Sampath)  
4.Mrs.P.Vasanth Kumari

...

Petitioners

**PRAYER:** Original Petition filed for Succession Certificate under Section 372 of Indian Succession Act, 1925 under Order XXV Rule 6 of Original Side Rules, praying that a Succession Certificate may be granted to the 1<sup>st</sup> petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule.

For Petitioners : Mr.D.Sivakumar

### **ORDER**

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 seeking for issuance of Succession Certificate of the deceased P.Sathishkumar in favour of the 1<sup>st</sup> petitioner.

2. The 1<sup>st</sup> petitioner is the wife, 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are daughters and the 4<sup>th</sup> petitioner is the mother of late P.Sathishkumar. The deceased Sathish



Kumar died intestate leaving the petitioners as his legal heirs. The father of the deceased pre-deceased him.

WEB COPY

3. The deceased P.Sathish Kumar purchased from Morgan Stanley Smith Barney LLC (E Trade Securities LLC) having office at P.O.Box 484, Jersey City, NJ 07303-0484 and the share certificate now valued at \$37,540.12 = Rs.31,21,836.38.

4. The 4<sup>th</sup> petitioner who is the mother of the deceased has filed consent affidavit stating that she has no objection in granting succession certificate in favour of the 1<sup>st</sup> petitioner viz. Revathy Sampath. The petitioners 2 & 3 are minors represented by their mother and natural guardian, the 1<sup>st</sup> petitioner herein.

5. After following due procedure, the petitioners were invited to tender evidence. The first petitioner who is the wife of the deceased P.Sathish Kumar examined herself as PW1 and marked Exs.P1 to P5.

6. The date of death, factum of death and the petitioners are the legal



heirs of the deceased are not in dispute. In view of both oral and documentary evidences adduced before this Court, I find no impediment under Section 379 of the Indian Succession Act for grant of succession certificate to the 1<sup>st</sup> petitioner.

7. Hence, this Original Petition stands allowed. The Succession Certificate may be issued in favour of the 1<sup>st</sup> petitioner in accordance with the rules, with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule, alongwith interest, on payment of appropriate succession duty, if not paid earlier.

**12.09.2024**

Index :Yes/No  
**rgr**

### **APPENDIX**

#### **Petitioner's witness:**

P.W.1 – Mrs.Revathy Sampath

**Documents marked:**

| <b><i>S.No</i></b> | <b><i>Particulars</i></b>                                                                                                                                                                   | <b><i>Exhibits</i></b> |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1                  | Computer generated death certificate of Mr.P.Sathish Kumar                                                                                                                                  | P1                     |
| 2                  | Computer generated legalheirship certificate of Mr.P.Sathish Kumar                                                                                                                          | P2                     |
| 3                  | Photocopy of the letter dated 15.12.2023 issued by E Trade from Morgan Stanley showing the valuation of the shares standing in the name of Mr.Sathish Kumar Palani (compared with original) | P3                     |
| 4                  | Copy of the paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 21.06.2024                                                                                          | P4                     |
| 5                  | Certificate under Section 65B of the Indian Evidence Act, 1872                                                                                                                              | P5                     |

**12.09.2024****rgr**



WEB COPY

O.P.No.220 of



**RMT.TEEKAA RAMAN, J.**

rgr

**O.P.No.220 of 2024**

**12.09.2024**