



O.P.No.282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

O.P.No.282 of 2024

Jessima Roshan

... Petitioner

Vs

1. Mymoon Beevi
2. Ajmoon Nisha (minor)

... Respondents

Prayer: Original Petition has been filed under Section 372 of Indian Succession Act XXXIX of 1925 and Order XXV Rules 6 of Original Side Rules, to grant a Succession Certificate in favour of the petitioner with the power to receive interest and dividends thereon and negotiate and transfer securities specified in the schedule B hereto.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : No Appearance

ORDER

This Original Petition has been filed under Section 372 of Indian Succession Act XXXIX of 1925 r/w XXV Rule 6 of Original Side Rules for issuance of succession certificate in favour of the petitioner with the



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power to receive interest and dividends thereon and negotiate and transfer securities specified in the schedule "A".

2. The estate of the deceased Ajmal Khan sought to be succeeded by his sister namely Jessima Roshan as petitioner and Mymoon Beevi and Ajmoon Nisha are respondents who are the wife and minor daughter of the deceased, respectively.

3. The petition is filed seeking six shares, out of sixteen shares for the petitioner as the parties are governed by Sunni form of Muslim law of inheritance. The debts and securities left by the deceased Ajmal Khan to be apportioned applying the Doctrine of Aul and Radd wherever necessary.

4. As per the statement and calculation sheet, now furnished by the learned counsel appearing for the petitioner, the apportionment of the estate left by Ajmal Khan to be apportioned as under:

" 12/96 shares apportioned to Mymoon Beevi, the wife of the deceased Ajmal Khan,

57/96 shares apportioned to Ajmoon Nisha, the daughter of the deceased and

27/96 shares apportioned to Jessima Roshan (petitioner herein), as sister of the deceased respectively".



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5. To prove his claim, the petitioner has filed proof affidavit and mounted the witness box. She has examined herself as P.W.1 and marked the following 15 documents as Exs.P.1 to P.15:

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Photocopy of the letter dated 11.08.2010 issued by State Bank of India, Anna Salai branch to Mr.Ajmal Khan Abdul Rahim
Ex.P.2	Photocopy of the term deposit advice in State Bank of India standing in the name of Mr.Ajmal Khan Abdul Rahim
Ex.P.3	Photocopy of the Statement of Account of State Bank of India for the period 01.01.2012 to 11.08.2012 in respect of account standing in the name of Mr.Ajmal Khan Abdul Rahim
Ex.P.4	Photocopy of the death certificate of Mr.Ajmal Khan
Ex.P.5	Photocopy of the legal heir ship of Mr.Ajmal Khan
Ex.P.6	Photocopy of the letter dated 23.11.2015 from State Bank of India, Rajaji Salai Branch addressed to Mr.Ajmal Khan Abdul Rahim
Ex.P.7	Photocopy of the Death Certificate of Mrs.S.Baseera Beevi
Ex.P.8	Computer generated legal heir ship of Mrs.S.Baseera Beevi
Ex.P.9	Computer generated death certificate of Mr.Abdul Rahim
Ex.P.10	Computer generated legal heir ship of Mr.Abdul Rahim
Ex.P.11	Webcopy of the Order dated 13.04.2023 in W.P.No.11395 of 2023 passed by this Hon'ble High Court.
Ex.P.12	E-mail dated 17.06.2023 sent by City Bank to P.W.1
Ex.P.13	Certificate under Section 65 B of the India Evidence Act, 1872
Ex.P.14	Photocopy of the petitioner's Aadhaar Card
Ex.P.15	Copy of the Paper Publication effected in one issue of Tamil Daily " Makkal Kural" dated 25.07.2024

6. From the above exhibits, the fact that the deceased Ajmal Khan had accounts in the Bank and savings is proved. His death on 13.08.2012



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is proved through the Death Certificate, Ex.P.4 . At the time of his death,

he has left four surviving legal heirs namely Mymoon Beevi, Ajmoon Nisha Abdul Rahim and Basira Beevi who are wife, daughter, father and mother of the deceased respectively. This fact is reflected in the legal heirship certificate issued for the deceased Ajmal Khan and the same marked as Ex.P.5. Subsequently, his mother and father died and the same is reflected in Ex.P.8 and Ex.P.9. The legal heir ship certificate issued in favour of the father Abdul Rahim is marked as Ex.P.10. The petitioner herein who is the sister of Ajmal Khan is also entitled to have a share on the estate of the deceased. The savings and securities in the name of the deceased Ajmal Khan is morefully described in the schedule " A " of the property. As per the calculation sheet provided by the petitioner from out of the said security, the petitioner is entitled for 27/96 share.

7. In view of the above fact, this Court is satisfied that the petitioner is entitled for the Succession Certificate in respect of securities of Ajmal Khan who died on 13.08.2012. Accordingly, succession certificate is granted in favour of the petitioner to the extent of her share, of 27/96 as apportioned above.



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8. In the result, this Original Petition stands allowed. The

Succession Certificate is issued in favour of the petitioner with the power to receive interest and dividends thereon and negotiate and transfer securities specified in the schedule "A".

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Petitioner's witness:

P.W.1 – Mrs.Jessima Roshan

Documents marked:

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