



O.P.No.798 of 2023

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WEB COPY **A.A.NAKKIRAN, J.**

This Petition has been filed under Section 372 of the Indian Succession Act under Part X of the Indian Succession Act read with Order XXV Rule 6 of the Madras High Court Original Side Rules, to grant succession certificate in favour of the petitioners.

2. Heard the learned counsel for the petitioners.

3. It is the case of the petitioners that the first petitioner is the wife of the deceased V.Shivashankar Joshi and the second and third petitioners are the daughters of the deceased. The said Shivashankar Joshi died intestate on 23.04.2018. The petitioners are Class I legal heirs of the deceased. The son of deceased Shivashankar, namely S.Ramakrishna Joshi also died on 29.11.2021. The deceased V.Shivashankar Joshi died intestate and though due and diligent search has been made for a Will, none has been found in respect of the securities mentioned in the schedule. The petitioners are the surviving legal heirs of the deceased and there is no other person to be



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impleaded in this petition. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The securities in respect of which succession certificate is required for the value of Rs.30,80,251/-. Hence, the petitioners have approached this Court for grant of succession certificate in their favour with power to collect the securities as specified in the schedule.

4. The third petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.24.

5. P.W.1 in her evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in their favour. Ex.P.1 is the computer generated death certificate of the deceased V.Shivashankar Joshi. Ex.P.1 has been filed to show that the deceased V.Shivashankar died on 23.04.2018. Ex.P.2 is the computer generated death certificate of the S.Ramakrishna Joshi, who is the son of the deceased V.Shivashankar. Ex.P2 has been filed to show that the son of V.Shivashankar died on 29.11.2021. Ex.P3 is the computer



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generated legal heir certificate of Mr.V.Shivashankar Joshi. Ex.P.3 shows that the petitioners are the legal heirs of the deceased V.Shivashankar Joshi. Ex.P4 is the computer generated legal heir certificate of S.Ramakrishna Joshi and it shows that the 1st petitioner and the deceased V.Shivashankar Joshi are the legal heir of said S.Ramakrishna Joshi. Ex.P.5 to Ex.P.23 have been filed with regard to the securities held by the deceased V.Shivashankar Joshi. Ex.P.24 is the Paper publication and none objected for the same.

6. Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the securities of the deceased V.Shivashankar Joshi. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of the third petitioner with power to collect and to receive deposit specified in the schedule together with interest as applicable till the date of withdrawal, is issued.

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