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O.P.No.730 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09.07.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 730 of 2023

N.Surekha

... Petitioner

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, read with Order XXV Rule VI of Original Side Rules to issue a succession certificate in favour of N.Surekha, the petitioner herein for the shares in the schedule with the power to collect the securities and to receive the interests and dividends and negotiate and transfer the securities/shares as specified in schedule hereunder.

For Petitioner : Mr.S.K.Sivasubramaniam

ORDER

The petition has been filed under Section 372 of the Indian Succession Act, 1925, seeking succession certificate to be issued to the petitioner with respect to the securities in the name of Navrathanmal Bafna, her husband, who died on 18.08.2013.



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2. At the time of his death, he had left behind the petitioner, his daughter Priyanka and mother Umorai Bai as the legal representatives.

His first wife Santhosh Kanwar died on 15.06.2005. The daughter Priyanka died on 30.06.2021 and the mother Umorai Bai also died on 23.11.2013. The father Pukhraj Bafna had died earlier on 05.11.2019. This left the petitioner alone to succeed and with right to claim the securities in the name of her husband Navrathanmal Bafna.

3. After following due procedure, the petitioner was directed to tender evidence and accordingly, she examined herself as P.W.1. She marked as Ex.P1 – death certificate of her husband Navrathanmal Bafna and as Ex.P2 – death certificate of his first wife Santhosh Kanwar and as Ex.P3 – death certificate of his daughter Priyanka and Exs.P4 and P5, the death certificates of his parents. The legal heirship certificate was marked as Ex.P6. The documents relating to the securities were marked as Exs.P7 and P8. The petitioner was also directed to tender evidence to show her relationship with the deceased. She had marked the marriage reception invitation card as Ex.P10, copy of the family card as Ex.P11 and copy of



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the passport of Navrathanmal Bafna, wherein her name is shown as his wife as Ex.P12. She also marked the copy of the disability certificate issued to the daughter Priyanka as Ex.P13 and the National Identity Card issued by the Government of Tamilnadu to Priyanka as Ex.P14.

4. Taking into consideration the evidences recorded and documents produced, this Original Petition is allowed and succession certificate to be issued to the petitioner in accordance with rules.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mrs.N.Surekha

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Navrathanmal Bafna.
Ex.P2	Computer generated death certificate of Mrs.Santhosh Kanwar.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P3	Computer generated death certificate of Mrs.Priyanka.
Ex.P4	Computer generated death certificate of Mr.Pukhraj Bafna.
Ex.P5	Computer generated death certificate of Mrs.Umrao Bai.
Ex.P6	Computer generated legal heir certificate of Mr.Navrathanmal Bafna.
Ex.P7	Personal copy of the letter dated 18.07.2022 sent by me to the Manager, Geojit Financial Services Ltd regarding procedure for transmission of shares held by my husband Mr.Navrathanmal Bafna.
Ex.P8	Original reply to Ex.P7 along with details of shares sent by Geojit Financial Services Ltd., asking for succession certificate.
Ex.P9	Copy of the paper publication effected in one issue of Tamil Daily “Malai Murasu” dated 17.01.2024.
Ex.P10	Photocopy of my marriage reception invitation card held with the deceased Mr.P.Navrathanmal on 23.08.2008 (compared with the original).
Ex.P11	Photocopy of my family card (compared with original).
Ex.P12	(Series 2 Nos) are the photocopies of passport of Mr.Navrathanmal Bafna bearing No.K6151087. The second page of the said passport discloses my name as the spouse of Mr.Navrathanmal Bafna (compared with the original).
Ex.P13	Photocopy of the disability certificate issued to Ms.N.Priyanka on 25.05.2017 by office of the Divisional



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<i>Exhibits</i>	<i>Documents</i>
	Railway Manager, Southern Railway, Chennai 3.
Ex.P14	Photocopy of the national identity card issued by Government of Tamilnadu to Ms.N.Priyanka on 18.01.2006 (compared with the original).

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