O.P.No.739 of 2023

N.SATHISH KUMAR, J.

This Petition has been filed under Section 372 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 petitioner.

2. Heard the learned counsel for the petitioner. Mr.D.Praveen Kumar, learned counsel for the third respondent.

3. The petitioners and respondents 1 to 3 are the daughters of the deceased T.Shanmugam. The fourth respondent is the grand daughter of the deceased. The deceased died on 06.02.2015. The deceased died intestate left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of transmission of equity shares detailed in the Schedule-B standing in the name of the deceased in favour of the petitioner and the respondents 1 to 3, to the value of Rs.98,18,419/-. The respondents 1 and 2 have expressed their willingness

to join in the process of transmission of shares related to their 1/4th interest along with the petitioner. Hence, the parties herein have approached this Court for grant of succession certificate in favour of the petitioner with power to collect the debts and securities and to receive the interest and dividend on and negotiated and transfer the securities as specified in the schedule. However, the third respondent has filed a counter affidavit seeking her 1/4th share.

4. The petitioner was examined as P.W.1 and marked Exs.P1 & P.16. The fourth respondent, who is the daughter of the first respondent examined herself as R.W.1 and marked Ex.R1. The third respondent, one of the daugther of the deceased was examined as R.W.2 and no documents were marked on her behalf.

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 her favour. P.W.1 in her cross examination has deposed that she along with the respondents 1, 2 have no objection in

alloting 1/4th of share to the third respondent. R.W.1 had also deposed that she has no objection in dividing the shares equally among the four sisters/petitioner and the respondents 1 to 3. R.W.2 had deposed that she has no objection to the petitioner and respondents 1 and 2 in seeking their 3/4th share. She has not filed any separate petition claiming 1/4th share.

6. Ex.P.1 is the computer generated death certificate of the deceased. Ex.P2 is the photocopy of the legal heirship certificate of the deceased. Ex.P5 is the photocopy of the letter dated 10.11.2022 addressed to the petitioner by ITC. Exs.P6 to P11 are the photocopies of the letters addressed to the petitioner by TSR Consultants for shares. Ex.P15 is the affidavit of assets showing the net value of the estate as Rs.97,97,244/-. Ex.P16 is the copy of paper publication, however, none objected the same. The respondents 1, 2 and 4 have given their consent affidavits to the effect that they do not have any objection to the grant of succession certificate in favour of the petitioner. Ex.R1 is the computer generated fixed deposit confirmation/renewal advice standing in the name of the fourth respondent in HDFC Bank.

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7. On perusal of the above evidences, this Court is of the view that the relationship of the parties are not in dispute and the evidences substantiate the stand of the parties that they have no objection in alloting their entitlements, i.e., 1/4th shares equally among the petitioner and the respondents 1, 2 and 3. Accordingly, this petition is ordered and there shall be a direction for grant of Succession Certificate in favour of the petitioner and the respondents 1, 2 & 3 with power to collect and to receive deposit specified in the schedule together with interest as applicable till the date of withdrawal, is issued. The succession certificate shall be issued to the parties concerned in respect of their shares provided that they pay the succession duty.

18.03.2024

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