



O.P.No.171 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 20.11.2024

Pronounced on: 26.11.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Original Petition No.171 of 2024

1. S.Lourdusamy.

2. Iruthayanathan.

...Petitioners

/versus/

Nil

... Respondent

PRAYER: Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of Original Side Rules that a succession certificate may be granted to the 2nd petitioner with powers to collect the debts and to receive dividends and negotiate and transfer the securities specified in the schedule hereto and pass such other award and further relief.

For Petitioners : Mr.Praveen Ravichandran

ORDER

This petition has been filed under Sections 372 of Indian Succession Act, 1925 read with Order XXV, Rule 6 of Original Side Rules for grant of Succession Certificate in the matter of securities of Mrs.Velukantha



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W/o.Lourdsamy, who died intestate on 13.09.2020.

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2. The first petitioner is the husband of the deceased Velukantha.

The second petitioner is the son of the deceased Velukantha. As per the Christian Law of succession, the petitioners are entitle to get 1/3rd and 2/3rd share respectively being the husband and son of the Christian Female died intestate. The first petitioner is desirous to settle his 1/3rd share in favour of his son, the second petitioner in respect of the Schedule mentioned shares held by deceased Velukantha at ICICI Bank which is rendering depository services.

3. When the second petitioner approached the Bank for transfer of shares, they informed him to get the succession certificate. Hence, the present petition for grant of succession certificate in the matter of securities held by the Late.D.Velukantha to and in favour of the second petitioner. The first petitioner has given his consent in the form an affidavit, for granting succession certificate in favour of the second petitioner.

4. To prove the case, the second petitioner has grazed the witness box and had marked the following documents as Ex.P-1 to Ex.P-7.



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<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Photocopy of the Aadhaar Card of the first petitioner.
Ex.P.2	Photocopy of my Aadhaar Card
Ex.P.3	Computer generated death certificate of Mrs.D.Velu Kantha.
Ex.P.4	Computer generated legal heir ship certificate of Mrs.Velu Kantha.
Ex.P.5	Original statement of holding as on 13.03.2023 issued ICICI Bank Ltd, Chennai in respect of shares and securities held by Mrs.D.Velukantha in client ID No.41660695
Ex.P.6	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P.7	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 28.06.2024.

5. The Death certificate of Velukantha is marked as Ex.P-3. As per the death certificate, Velukanatha died on 13.09.2020 at Railway Hospital, Perambur. Ex.P-4 is the legal heir certificate of Velukantha. As per the Legal heir certificate issued by the Tahsildar, S.Lourdsamy/first petitioner and Iruthayanathan/second petitioner are her legal heirs being the husband and son of Velukantha. Ex.P-5 is the letter from ICICI Bank enlisting the list of shares held by Velukantha as on 13/03/2023. Public Notice through paper publication (Ex P-7) effected calling objections. There is no objection from any quarter received.



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6. In view of the documents and the consent affidavit filed by the first petitioner, Succession Certificate in the matter of securities in the name of Velukantha morefully described in the schedule to the petition is granted in favour of the second petitioner.

7. Accordingly, this ***Original Petition stands Allowed.*** The Succession Certificate is issued in favour of the 2nd petitioner to enable him to collect the securities and to receive the interest, dividends on and negotiate and transfer the securities specified in the schedule hereto. The 2nd Petitioner is directed to render account within 6 months.

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Index :Yes/No.

Internet :Yes/No.

bsm

Petitioner's witness:

P.W.1 – Iruthayanathan

Documents marked:

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Dr.G.JAYACHANDRAN,J.

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Pre-delivery order made in
Original Petition No.171 of 2024

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