



O.P.No.609 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :06.11.2024

Pronounced on :8.11.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

ORIGINAL PETITION NO.609 OF 2023

- 1.Visalakshi.V
- 2.Sivaraman Oppila
- 3.Vaira Chellam
- 4.Vaira Saravanan
- 5.Vaira Karpagam

.. Petitioners

Prayer: Original Petition has been filed under Section 372 of Indian Succession Act read with Order XXV, Rule 6 of Original Side Rules, to grant Succession Certificate to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners :Mr.Madhuri Donit Reddy



O.P.No.609 of 2023

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the O.S.Rules, seeking Succession Certificate in respect of securities of V..M.Vairavan morefully described in the schedule annexed to the petition.

2. V.M. Vairavan died on 16/05/2021 leaving behind the petitioners who are the first class heirs of Vairavan. The first petitioner is his wife and rest of the petitioners 2 to 5 are his children. During his life time, V.M.Vairavan has acquired the schedule mentioned securities and they stand in his name. Claiming that the said Vairavan died intestate and being his legal heirs, the petition is filed for grant of Succession Certificate.

3. To substantiate the prayer in the petition, Mrs.V.Visalakshi, W/o Late Vairavan, had graced the witness box on behalf of the petitioners and deposed about their entitlement by marking the following documents:-



O.P.No.609 of 2023

WEB COPY

Ex.P1	Computer generated death certificate of Mr.V.M.Vairavan along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P2	Computer generated legal heir ship certificate of Mr.V.M.Vairavan along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P3	Photocopy of PW-1's Aadhar card
Ex.P4	Photocopy of the Aadhar card of the second petitioner.
Ex.P5	Photocopy of the Aadhar card of the third petitioner.
Ex.P6	Photocopy of the Aadhar card of the fourth petitioner.
Ex.P7	Photocopy of the Aadhar card of fifth petitioner.
Ex.P8	Original DP Account statements bearing No.40224317 issued by HDFC Bank Ltd.
Ex.P9	Copy of paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 03.04.2024.

4. The petition and the documents marked as exhibits perused.

5. Ex.P1-the death certificate of V.M.Vairavan discloses the fact that at the time on his death, he was residing at New No:31, Old No:12, Annapoorani Illam, Pandaram Street, Vadapalani, Chennai 600 026, which falls within the territorial jurisdiction of this Court. The Depository Participant Account (DP Account) issued by HDFC Bank discloses the detail about the security held by the deceased Vairavan and the same is marked as



O.P.No.609 of 2023

Ex.P-8. These two documents proves that the deceased Vairavan was ordinarily resided at the above address and managing his property.

6. The petitioners have declared that the deceased had not left any Will and died intestate leaving behind them to inherit his property as class I heirs. To prove their legal heirship, Ex.P-2 a computer generated legal heir certificate of V.M.Vairavan accompanied with a certificate under Section 65B of the Indian Evidence Act is marked.

7. The identity of the petitioners been proved through their Aadhaar cards marked as Ex.P-3 to Ex.P-7. The public notice through paper publication dated 03/04//2024 (Ex.P-9) had not received any objection from any quarters.

8. Hence, in view of the above narrated evidence, the petitioners being the first class heirs of the deceased Vairavan, are entitled to inherit the schedule mentioned properties. This Court finds no impediment for grant of



O.P.No.609 of 2023

Succession Certificate as prayed in this petition.

9. Accordingly, this Original Petition is allowed. The Succession Certificate may be issued in favour of the petitioners, in accordance with Rules, with power to collect the securities of the deceased V.M.Vairavan and to receive interest and dividends thereon and negotiate and to transfer the securities specified in the schedule hereto.

8.11.2024

Index:yes/no
Internet:yes/no
Speaking Order/Non Speaking order
ari

Petitioners' witness:-

P.W.1: Mrs.V.Visalakshi

Documents marked:-

5/7



O.P.No.609 of 2023

Ex.P1	Computer generated death certificate of Mr.V.M.Vairavan along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P2	Computer generated legal heir ship certificate of Mr.V.M.Vairavan along with certificate under Section 65B of the Indian Evidence Act, 1872.
Ex.P3	Photocopy of PW-1's Aadhar card
Ex.P4	Photocopy of the Aadhar card of the second petitioner.
Ex.P5	Photocopy of the Aadhar card of the third petitioner.
Ex.P6	Photocopy of the Aadhar card of the fourth petitioner.
Ex.P7	Photocopy of the Aadhar card of fifth petitioner.
Ex.P8	Original DP Account statements bearing No.40224317 issued by HDFC Bank Ltd.
Ex.P9	Copy of paper publication effected in one issue of Tamil Daily “Makkal Kural” dated 03.04.2024.

08.11.2024

DR.G.JAYACHANDRAN,J.

ari



WEB COPY



O.P.No.609 of 2023

delivery Order made in
O.P.No.609 of 2023

8.11.2024