



WEB COPY



O.P. No. 612 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No. 612 of 2023

1. Mrs. Yolande Louis
W/o. Late L.P.Antony

2. Mr. Gerard Louis
S/o. Late L.P.Antony

3. Ms.Geraldine Jayanti
D/o. Late L.P.Antony

4. Ms.Majella Louis
D/o. Late L.P.Antony

... Petitioners

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 39 of 1925, read with Order XXV Rule 6 of Original Side Rules to grant permission to the petitioner with the 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. R.Aravind

ORDER

The Original Petition has been filed under Section 372 of the Indian Succession Act, 1925, seeking issuance of Succession Certificate



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relating to the Securities of L.P.Antony, who died intestate on 30.11.2006. He was the husband of the 1st petitioner and father of the 2nd, 3rd to 4th petitioners.

2. Though he died more than a decade earlier, it is stated by the learned counsel that though diligent search was made for a Will, it could not be found, but the search revealed share certificates of nearly about 100 companies. To transfer the shares in the names of the petitioners, the Succession Certificate is required and accordingly, this petition has been filed.

3. It is also contended that under the provisions of the Indian Succession Act, 1925, particularly, Section 33, the 1st petitioner is entitled to an undivided 1/3rd share of the value of the shares, 2nd, 3rd and 4th petitioners are jointly entitled to 2/3rd shares of the value of the shares.

4. After following due procedure, the petitioners were directed to tender evidence and accordingly, the 4th petitioner has examined herself as PW1 on her behalf and on behalf of the 1st, 2nd and 3rd petitioners. She



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filed her proof affidavit. She marked Ex.P1 – the death certificate of her father and Ex. P2 – the legal heirship certificate. She also produced the share certificates / dividends issued, which were marked as Exs. P7 – P90 and Ex.96. She also produced the copies of the statement of accounts in the name of her father in the banks, viz., Canara Bank, Union Bank of India and Indian Bank as Ex.P92, Ex.93 and Ex.94. Though the copies were filed, they have been compared with the originals before the learned Master and taken them on record.

5. Taking the nature of evidence produced and all other surrounding circumstances, this petition stands allowed and the Succession Certificate is granted to the petitioners with direction that the first petitioner is entitled to 1/3rd share of value of the securities and the 2nd, 3rd and 4th petitioners are jointly entitled to 2/3rd share. Succession Certificate shall be issued in the names of all the four petitioners.

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Index :Yes/No

Maya



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C.V.KARTHIKEYAN,J.

Maya

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