O.P. No.693 of 2023

A.A. NAKKIRAN, J,

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Madras High Court Original Side Rules, 1956 seeking to grant succession certificate in favour of 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.

2.Heard the learned counsel appearing for the petitioners.

3.It is the case of the petitioners that the 1st petitioner is the wife of the deceased Krishnan, son of R.K.Lakshmanan, who died on 15.08.2009. The 2nd petitioner is their daughter and the 3rd and 4th petitioners are their sons. The petitioners are the surviving class I legal heirs of the deceased Krishnan and K.Vasantha. The deceased Krishnan is a famous music composer and he had entered into an Assignment Deed with Indian Performing Right Society Limited having office at No.208. Golden Chambers, II Floor, New Andheri Link Road, Andheri, Mumbai, with respect to his copyright for public performance of his existing musical works, arrangements, composition, transcripts and manuscripts, whether published or unpublished recorded for any film or performance or album. The movable property in respect of which Certificate is sought with relation to the musical works of the deceased have been described in the schedule.

4.The petitioners as wife and children of the deceased claims to be entitled equally to a share of the securities. The parents of the deceased had predeceased him. The deceased died intestate and though due and diligent search has been made for a Will, none has been found in respect of the debts mentioned in the schedule. The deceased left the amount specified in the Schedule, within the jurisdiction of this Court. The succession certificate is required for the purpose of obtaining membership for the beneficiary of L.Krishnan in the aforesaid Society for the royalty accused morefully mentioned in the schedule, standing in the name of the deceased Krishnan. The shares in respect of which the succession certificate required is approximately of the face value of Rs.50,000/-. Further, a letter dated 20.10.2008 was issued to the deceased by the IPRS for the royalty accrued being a total of Rs.36,475.09p. The petitioners undertake to pay the succession duty if any excess amount found to be accrued towards royalty for the deceased works. Hence, the petitioners have approached this Court for grant of succession certificate in favour of 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.

5.The fourth petitioner was examined as P.W.1 and marked Exs.P1 to Ex.P.4.

6.P.W.1 in his evidence had narrated the averments made in the petition stating that the petitioners have filed this petition for grant of Succession Certificate in favour of the petitioners. Ex.P.1 is the computer generated death certificate of the deceased L.Krishnan. Ex.P.1 has been filed to prove that the deceased died on 15.08.2009. Ex.P.2 is the photocopy of the legal heirship certificate of the deceased L.Krishnan. Ex.P.2 shows that the petitioners are the legal heirs of the deceased L.Krishnan. Ex.P.3 is the photocopy of the letter dated 20.10.2008 sent by the Indian Performing Right Society Limited addressed to the deceased. Ex.P.4 is the copy of the paper publication effected in one issue of Tamil

Daily "Makkal Kural" dated 19.01.2024. As per Ex.P.4 paper publication has also been taken out and none has objected for it.

7.Considering the averments made in the petition and the documents filed by the petitioners, I am satisfied that the petitioners have succeeded the Estate of the deceased L.Krishnan. Therefore, the petition is ordered as prayed for and a direction for grant of Succession Certificate in favour of 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 together with interest as applicable till the date of withdrawal, is issued.

16.02.2024

mps

A.A. NAKKIRAN, J,

mps

O.P. No.693 of 2023

16.02.2024