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O.P. No.35 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.07.2024**

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
O.P.No.35 of 2024

Mr.Maddali Chandra Sekhar

... Petitioner

Vs.

1.Mrs.Maddali Tripura Sundari
2.Mr.Maddali Raja Sekhar
3.Mrs.Sirisha Koduri Maddali
4.Ms.Varshini Lakshmi Tripura Maddali

... Respondents

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of O.S. Rules to grant Succession Certificate to Maddali Chandra Sekhar with power to collect all shares, withheld shares, bonus shares, shares with change in face value and accrued and future dividends, take appropriate action in the case of missing share certificates; to apply to Investor Education and Protection Fund (IEPF) for retrieving shares and dividends transferred to them by companies; to claim any shares not allotted by any company due to merger, demerger or acquisition by other company or due to name change or stock split, due to split in face value; to take legal recourse on behalf of all petitioners for retrieving the shares and / or dividends withheld; to receive and to demat all physical shares and above shares as and when received; to transfer / convey



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shares to the respondents; to receive withheld shares and accrued dividend and interest; to apply to the bank for retrieving the funds in account of Late Maddali Sriramakrishna.

For Petitioner : Mr.V.Ravi

For Respondents : Mr.Prasad Vijayakumar for R3 & R4

Mr.G.Nanmaran, For R1 & R2

ORDER

The petition has been filed seeking Succession Certificate of the debts and securities of Maddali Sri Ramakrishna who died intestate on 31.10.2000.

2. It is stated that with respect to the debts and securities, the first respondent had earlier filed O.P.No.128 of 2008 seeking succession certificate. The succession certificate was granted and subsequently it was revoked consequent to a compromise effected, by an order dated 06.06.2022. The learned Single Judge had granted liberty to the parties to approach and seek succession certificate again. Accordingly, the present petition has been filed. The details of the debts and securities have been given in the schedule of the petition.



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3. After following the due procedure, the petitioner was directed to tender evidence. Accordingly, the petitioner examined himself as P.W.1. and he marked the death certificate of Maddali Sri Ramakrishna as Ex.P1. The legal heir certificate of Maddali Sri Ramakrishna as Ex.P2. The death certificate and legal heir certificate of Maddali Vijay Kumar was marked as Exs.P3 & P4. It must be stated that the respondents 3 and 4 are the legal heirs of the deceased Maddali Vijay Kumar. The details relating to the securities were marked as Exs.P5, P10, P11 and P24. The earlier order passed by this Court was marked as Ex.P6. The memo of understanding among the parties dated 08.04.2022 was marked as Ex.P7. The joint compromise memo dated 18.04.2022 was marked as Ex.P8. The third and fourth respondents who had earlier filed an application in A.No.5544 of 2015 to revoke the grant of succession certificate which was granted in O.P.No.128 of 2008, had filed their consent affidavits this time and a learned counsel represented them.

4. Taking into consideration the nature of the evidence recorded and the documents produced, this Original Petition stands allowed and the Succession Certificate shall be issued in favour of the petitioner, with power to collect the debts and securities and to receive the interest and dividends



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thereon and negotiate and transfer the securities specified in the Schedule

hereunder on payment of appropriate succession duty, if not paid earlier.

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Index :Yes/No
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APPENDIX

Petitioner's witness:

P.W.1 – Mr.Maddali Chandra Sekhar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
P1	the photocopy of the death certificate of Maddali Sri Ramakrishna.
P2	the photocopy of the legal heirship certificate of Maddali Sri Ramakrishna.
P3	the photocopy of the death certificate of Maddali Vijay Kumar.
P4	the photocopy of the legal heirship certificate of Maddali Vijay Kumar.
P5	the photocopies of the share certificates and bonus certificates stands in the name of Maddali Sri Ramakrishna.
P6	the web copy of the order dated 05.07.2018 passed in A.No.5544 of 2015 in O.P.No.128 of 2008.
P7	the photocopy of the memo of understanding dated 08.04.2022.
P8	the photocopy of the joint memo of compromise dated 18.04.2022 filed in A.No.5544 of 2015 in OP.No.128 of 2008.
P9	the photocopy of the special power of attorney dated 24.06.2021 executed by the second respondent in favour of the petitioner.
P10	the SBI savings account pass book bearing A/c.No.10497566587 in respect of M.Sriramakrishna.
P11	the photocopies of the dividend warrant issued by Kirloskar Pneumatic Company Ltd., in respect of the proof of shares held by Mr.Sriramakrishna Maddali.



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<i>Exhibits</i>	<i>Documents</i>
P12	the photocopy of the dividend warrant issued by SKF India Ltd in respect of proof of shares held by Maddali Sri Ramakrishna.
P13	the photocopies of the dividend warrant issued by Tata Chemicals Ltd., in respect of the proof of shares held by Maddali Sri Ramakrishna.
P14	the photocopies of the dividend warrant issued by Larsen and Toubro Ltd., in respect of the proof of shares held by Maddali Sri Ramakrishna.
P15	the photocopy of the dividend warrant issued by Manali Petrochemicals Ltd., in respect of proof of the shares held by Maddali Sri Ramakrishna.
P16	the photocopy of the dividend warrant issued by Coromandel International Limited in respect of the proof of shares held by Maddali Sri Ramakrishna.
P17	the photocopy of the UTI Mutual Fund receipt regarding the settlement of dividend amount in respect of the proof of share held by Maddali Sri Ramakrishna.
P18	the photocopy of communication dated 15.03.2022 in respect of proof of shares held by Mr.M.Sriramakrishna.
P19	the photocopy of the communication dated 15.05.2023 in respect of proof of shares held by Maddali Sri Ramakrishna.
P20	the photocopy of communication dated 31.03.2023 in respect of proof of shares held by Mr.Sriramakrishna in Sundaram Finance Holdings Limited.
P21	the photocopy of the communication dated 06.02.2018 in respect of proof of shares held by Mr.Sriramakrishna in ITC Limited.
P22	the photocopies of the communication in respect of proof of shares held by Mr.M.Ramakrishna in Tata Consumer Products Limited.



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<i>Exhibits</i>	<i>Documents</i>
P23	the photocopy of the communication dated 07.09.2022 sent by Schaeffler India Limited regarding the dematerialization of Physical Share Certificates, filed as proof of shares.
P24	the downloaded copies of the name change of few of the companies.
P25	the copy of paper publication effected in one issue of tamil daily "Makkal Kural" dated 05.04.2024.
P26	the certificate under Section 65B of the Indian Evidence Act, 1872 in respect of electronic documents.

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