



O.P.No.239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.08.2025**

CORAM

THE HONOURABLE **MR. JUSTICE K.KUMARESH BABU**

O.P.No.239 of 2024

- 1.Mr.M.Mohan Rao
- 2.Mr.Ramesh Kumar Mohan Rao
- 3.Mrs.Anuradha Rao
- 4.Mr.K.Mohan Rao
- 5.Mrs.K.Shubha Rao
- 6.Mr.K.Santosh Mohan Rao

...Petitioners

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act & Order XXV Rules 6 of Madras High Court Original Side Rules, praying to grant Succession Certificate to the petitioners herein with power to collect the securities and to receive the interest and dividends and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : M/s.M.A.Lakshmipathi

ORDER

The petitioners seek Succession Certificate in respect of the securities held by Dr.U.Mohan Rao, who died intestate on 18.03.1989. The petitioners are the legal heirs of the Mrs.M.Uma and Mrs.K.Thara, who are the daughters of the deceased, who died on 12.02.1999 and 05.05.2019 respectively. The petitioners 1 to 3 are the Legal heirs of



O.P.No.239 of 2024

Late.Mrs.M.Uma and similarly the petitioners 4 to 6 are the Legal heirs

of Late.Mrs.K.Thara. The 4th petitioner who is the husband of Late.Mrs.K.Thara, had died on 23.11.2024 and a memo had been filed by the learned counsel for the petitioner indicating that the petitioners 5 and 6 were the only legal heirs of the deceased 4th petitioner and the same was recorded vide order dated 16.07.2025.

2. The petitioners submit that the above said deceased Late.Dr.U.Mohan Rao had two daughters namely, Mrs.M.Uma and Mrs.K.Thara. The afore said daughters of the deceased had filed an Original Petition under O.P.No.497 of 1994 to issue the Succession certificate with respect to the securities held by their father listed in the schedule of the petition, in favour of them. Subsequently the Original Petition under O.P.No.497 of 1994 was ordered and the Succession certificate was granted in favour of Mrs.M.Uma and Mrs.K.Thara, who are the aforesaid daughters of the deceased, vide order dated 14.11.1996. The petitioners submit that both the daughters of the deceased Mrs.M.Uma and Mrs.K.Thara had died on 12.02.1999 and 05.05.2019 respectively, even before the transmission of the securities mentioned in the schedule of the petition had been completed. Thereby rendering the Succession certificate granted O.P.No.497 of 1994 not implementable.



O.P.No.239 of 2024

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The petitioners assert that the petitioners 1 to 3 are the legal heirs of

Late.Mrs.M.Uma and the petitioners 4 to 6 are the legal heirs of the

Late.Mrs.K.Thara. However the 4th petitioner died on 23.11.2024, therefore making the petitioners 5 and 6 as the only surviving legal heirs of Late.Mrs.K.Thara. Therefore the petitioners 1 to 3 contend that they are entitled to $\frac{1}{2}$ share of the securities listed under the schedule of the petition as the Legal heirs of Late.Mrs.M.Uma and similarly the petitioners 5 and 6 contend that they are entitled to the remaining $\frac{1}{2}$ share of the securities listed under the schedule of the petition.

3. The second petitioner has been examined as PW1. He has produced 14 documents to support his depositions which are listed as Ex.P1 to Ex.P14 at the foot of the order. The photocopy of the death certificate of the deceased has been marked as Ex.P2. The photocopy of the order in OP.No.497 of 1994 dated 14.11.1996 has been marked as Ex.P3. The photocopies of the death certificate of daughters of the deceased, Late.Mrs.M.Uma and Late.Mrs.K.Thara, have been marked as Ex.P4 and Ex.P5 respectively. The photocopies of the legal heirship certificates of the Late.Mrs.M.Uma and Late.Mrs.K.Thara have been marked as Ex.P12 and Ex.P6 respectively. The computer generated copies of the death certificate and the legal heirship certificate of



O.P.No.239 of 2024

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Late.Mr.K.Mohan Rao, the husband of Late.Mrs.K.Thara, has been marked as Ex.P13 and Ex.P14 respectively. The perusal of Ex.P3, the photocopy of the order in OP.No.497 of 1994 proves that the succession certificate with respect to the securities held by the deceased was granted to Late.Mrs.M.Uma and Late.Mrs.K.Thara, who are the daughters of the deceased. The perusal of Ex.P12 proves that the petitioners 1 to 3 are indeed the legal heirs of Late.Mrs.M.Uma, and perusal of Ex.P6 along with the Ex.P13, the photocopy of the death certificate of the 4th petitioner, proves that the petitioners 5 and 6 are the only surviving legal heirs of Late.Mrs.K.Thara. Along with the aforesaid inference made, the claims of the petitioners 1 to 3 that they are entitled to ½ share of the securities mentioned in the petition's schedule and the petitioner 5 and 6 are entitled to the remaining ½ share of the securities mentioned in the schedule of the petition is substantiated. A general publication has been effected which has been marked as Ex.P11 and no objections have been received.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioners are entitled to the relief.



O.P.No.239 of 2024

5. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the petitioners, with the power to collect the securities and receive the interest and dividends on and negotiate and transfer the securities mentioned in the schedule to the petition.

25.08.2025

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Index :Yes/No

Petitioner's witness:

P.W.1 - Mr.Ramesh Kumar Mohan Rao

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of Aadhaar Card of P.W.1.(Compared with the original)
Ex.P2	Photocopy of the death certificate of Mr.Mohan Rao.(Compared with the original)
Ex.P3	Photocopy of the order in O.P.No.497 of 1994 dated 14.11.1996 passed by this Hon'ble High Court.(Compared with the original)
Ex.P4	Photocopy of the computer generated and with downloaded copy of the death certificate of Mrs.Uma.(Compared with the original) (Suo-Moto amended for clarification on 23.01.2025)
Ex.P5	Photocopy of the death certificate of Mrs.K.Thara Mohan Rao.(Compared with the original)
Ex.P6	Photocopy of the legal heir ship certificate of Mrs.K.Thara Mohan Rao.(Compared with the original)
Ex.P7	Original letter dated 09.09.2022 sent by Integrated Registry Management Services Private Limited asking for succession



O.P.No.239 of 2024

<i>Exhibits</i>	<i>Documents</i>
	certificate from the competent court of law.
Ex.P8	Original letter dated 23.09.2022 sent by MRF Limited, Chennai – 6 asking for succession certificate from the competent court of law.
Ex.P9	(Series 4 Nos) are the photocopies of share certificates in Apollo Hospitals Enterprise Limited in respect of shares held by Dr.Udipi Mohan Rao (Compared with the originals)
Ex.P10	(Series 19 Nos) are the photocopies of share certificate in J.K.Synthetics Limited in respect of shares held by Dr.Udipi Mohan Rao.(Compared with the originals)
Ex.P11	Copy of paper publication effected in one issue of Tamil daily “Malai Malar”dated 29.06.2024.
Ex.P12	Photocopy of the legal heirship certificate of Mrs.M.Uma dated 25.03.1999. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P13	Computer generated copy of the death certificate of K.Mohan Rao who died on 23.11.2024.(Certificate under Section 63(4)(c) of BSA Act is not filed)
Ex.P14	Computer generated copy of the legal heir certificate of Mr.K.Mohan Rao issued on 05.03.2025.

25.08.2025

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O.P.No.239 of 2024

K.KUMARESH BABU,J.

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O.P.No.239 of 2024

25.08.2025