



O.P.No.420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 23.01.2025

Pronounced on: 29.01.2025

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Original Petition No.420 of 2024

1.S. Sumathy Priya,
W/o. Mr. K.Srinivasa Babu.

2.K.S.Elakiya,
D/o.Mr.K.Srinivasa Babu,

3.K.S.Akshyan,
S/o.Mr.K.Srinivasa Babu,

All are residing at
Door No.128/154, Mannar Samy Koil Street,
Royapuram,
Chennai – 600 013.

... Petitioners

PRAYER: Original Petition has been filed under Section 372 of the Indian Succession Act, 1925 read with order XXV Rule 6 of Original Side Rules, prays that a succession certificate may be granted to the 1st petitioner 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.R.Ananth



O.P.No.420 of 2024

ORDER

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This original petition has been filed under Section 372 of the Indian Succession Act, 1925, and read with Order XXV, Rule 6 of the Original Side Rules, for grant of succession certificate in the matter of securities held by Late K.Srinivasa Babu.

2. The petitioners are the wife, daughter, and son of the late K.Srinivasa Babu. K.Srinivasa Babu died intestate on 19/05/2021 in Chennai, leaving behind the petitioners as his first-class heirs. His parents predeceased him. During his lifetime, K.Srinivasa Babu acquired the securities described more fully in the schedule attached to the petition. On his death, his wife and children, who are the petitioners herein, are entitled to the estate of the deceased. Accordingly, for the transfer, collection of debts, receipt of interest/dividends, and negotiation of the securities, the present petition is filed for the grant of a succession certificate in favour of the first petitioner, along with an affidavit of consent from the second and third petitioners.



O.P.No.420 of 2024

3. The proof affidavit of the first petitioner speaks about the documents which are marked as Ex.P-1 to Ex.P-8. Ex.P-4 is the death certificate of Srinivasa Babu, issued by the Greater Chennai Corporation. Ex.P.5 is the legal heir certificate issued by the Thasildar, Tondiarpet, Chennai. Ex.P.6 is the holding statement issued by Aditya Birla Capital prove that the schedule mentioned securities are in the name of K.Srinivasa Babu. The paper publication inviting objections, if any, from the general public. No protest or objection received in response to the public notice. The following 8 documents were marked as (Ex.P.1 to Ex.P.8).

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Photocopy of my Aadhaar Card
Ex.P.2	Photocopy of the Aadhaar Card of the second petitioner
Ex.P.3	Photocopy of the Aadhaar Card of the third petitioner
Ex.P.4	Computer generated death certificate of Mr.Srinivasa Babu.
Ex.P.5	Computer generated legal heir ship certificate of Mr.Srinivasa Babu.
Ex.P.6	Computer generated statement of Aditya Birla Money Ltd showing the quantity of securities held by Mr.Kaliappan Srinivasa Babu bearing DP ID No.12037600.
Ex.P.7	Certificate under Section 65 B of the Indian Evidence Act, 1872.
Ex.P.8	Copy of the paper publication effected in one issue of Tamil Daily "Makkal Kural" dated 05.09.2024

4. The Aadhar cards of the petitioners marked as Ex.P-1 to Ex.P-3 is to prove that they are the legal heirs of the deceased K.Srinivasa Babu, who



O.P.No.420 of 2024

died on 19/05/2021. Ex.P-6 proves that the holding of securities mentioned in the schedule of stands in the name of the deceased K.Srinivasa Babu.

5. In view of the above mentioned documents and the consent affidavit of the petitioners 2 and 3, this Court is of the view that there is no legal impediment to grant Succession Certificate to the first petitioner, who is the wife of the Late K.Srinivasa Babu, to collect the securities, to receive the interest, dividends and to negotiate or transfer the securities.

6. Accordingly, this *Original Petition stands Allowed*. The Succession Certificate is issued in favour of the 1st petitioner to enable him to collect the securities and to receive the interest, dividends on and negotiate and transfer the securities specified in the schedule hereto. The petitioner is directed to render account within a year.

29.01.2025

Index :Yes/No.
Internet :Yes/No.
bsm

Petitioner's witness:

P.W.1 – Mrs.S.Sumathy Priya



O.P.No.420 of 2024

Documents marked:

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O.P.No.420 of 2024

Dr.G.JAYACHANDRAN,J.

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Pre-Delivery order made in
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