



O.P.No.699 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.04.2025**

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

O.P.No.699 of 2024

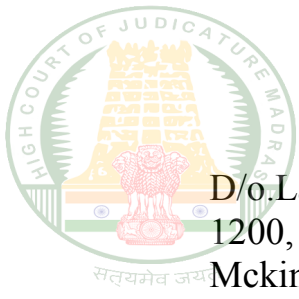
1.Mrs.Asha Patel

D/o.Late Mr.Karingananpallil Pothen Devasia,
3/128, ST Johns Road,
Meadow Bank
Auckland, PIN:1072
New Zealand
Rep. Through Power Agent:
Mr.Manuel Thomas
S/o.V.M.Thomas,
residing at 18, Venkataratnam Nagar,
Adyar, Chennai,
Tamil Nadu 600 020.

2.Mrs.Bina Agnes Puthengady Thomas

Alias Bina Agnes George
D/o.Late Mr.Karingananpallil Pothen Devasia,
330, Riesling Street,
Grimsby, Ontario
Canada
Rep.Through Power Agent:
Mr.Manuel Thomas
S/o.V.M.Thomas,
residing at 18, Venkataratnam Nagar,
Adyar, Chennai,
Tamil Nadu 600 020.

3.Mr.Philip Devasia,



D/o.Late Mr.Karingananpallil Pothen Devasia,
1200, Dripping Spirngs,
Mckinney, Texas 75050
United States of America
Rep.Through Power Agent:
Mr.Manuel Thomas
S/o.V.M.Thomas,
residing at 18, Venkataratnam Nagar,
Adyar, Chennai,
Tamil Nadu 600 020.

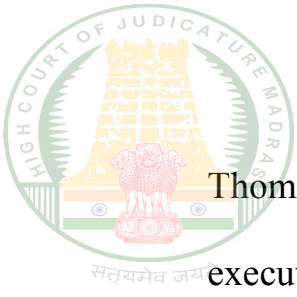
...Petitioners

PRAYER: Original Petition filed for Succession Certificate in respect of certain securities belonging to the deceased Karingananpallil Pothen Devasia, under Section 372 of Part X of the Indian Succession Act, 1925, read with Order XXV Rule 6 of O.S.Rules, prays that this Hon'ble Court may be pleased to grant a Succession Certificate to the petitioners with power to collect the securities specified in the Schedule and to receive the same with interest and dividends thereon and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioners : Mr.S.Nitish

ORDER

The petitioners seek Succession Certificate in respect of the securities held by Late Karingananpallil Pothen Devasia, who died intestate on 01.05.2014 at Burlington, Ontario, Canada. The petitioners are the daughters and son of the deceased. The wife of the deceased predeceased him. The petitioners are represented by their power of attorney agent Mr.Manuel



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Thomas. The said power agent died on 27.01.2025 and the petitioners 2 and 3 executed power of attorney appointing the first petitioner as power agent to represent them and to grant succession in favour of the first petitioner.

2. The first petitioner has been examined as PW1. She has produced the original death certificate of the deceased Karingananpallil Pothan Devasia as Ex.P3. The certified copy of legal heirship certificate of the deceased as Ex.P4. The original power of attorney executed by the second and third petitioners in favour of the first petitioner as Ex.P8 and Ex.P9. A perusal of Ex.P4, shows that the petitioners are the only legal heirs of the deceased Karingananpallil Pothan Devasia. On perusal of Ex.P8 and Ex.P9, shows that the petitioners 2 and 3 are consented to grant succession certificate in favour of the first petitioner.

3. 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.



4. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the first petitioner, with the power to collect the securities and receive the interest and dividends mentioned in the schedule to the petition.

5. The Registry is directed to return the original copy available with the record on substitution of the certified copy to be produced by the petitioners.

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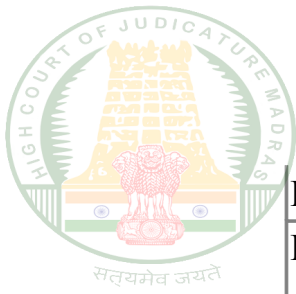
Index :Yes/No

Petitioner's witness:

P.W.1 – Mrs.Asha Patel

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the passport of Mrs.Asha Patel.
Ex.P2	Photocopy of the passport of late.Mr.K.P.Devasia.
Ex.P3	Original death certificate of Mr.K.P.Devasia dated 02.07.2024.
Ex.P4	Certified copy of legal heirship certificate of Mr.K.P.Devasia dated 02.02.2017.
Ex.P5	Original statement of holdings issued by the stock holding corporation of India Limited dated 27.03.2023.



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Ex.P6	Photocopy of PAN Card of the 2nd petitioner.
Ex.P7	Computer generated printout of Market-value of security on date of application for certificate dated 11.03.2024.
Ex.P8	Original Power of Attorney executed by Ms.Bina Agnes George in favour of Mrs.Asha Patel dated 20.02.2025.
Ex.P9	Original Power of Attorney executed by Mr.Philip Devasia in favour of Mrs.Asha Patel dated 27.02.2025.
	(Affidavit under Section 65 B of the Indian Evidence Act filed and recorded)

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