



O.P.No.722 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Original Petition No.722 of 2023

G.Naveen

... Petitioner

Vs.

1.G.Indira
2.G.Kiruthiga
3.D.Chellakkani Ammal (died)

(Death of 3rd respondent recorded vide
order made in Memo No.12057/2024 dated
24.07.2024 and extended dated 08.08.2024)

... Respondents

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, for grant of Succession Certificate in favour of the petitioner with power to collect the debts and to receive the interest and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Mr.Murugavel

For Respondent : No appearance



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ORDER

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The Original Petition has been filed under Section 372 of the Indian Succession Act 1925 read with Order XXV Rule 5 of Original Side Rules seeking for issuance of a Succession Certificate in respect of the shares held by late G.Gnana Sekar, who was the father of the petitioner and died intestate on 25.03.2006.

2. During his lifetime, he had acquired shares of M/s.Tamil Nad Mercantile bank limited, which are morefully described in the schedule attached to the petition. Since G.Gnana Sekar died intestate, his estate is likely to devolve on his wife, mother and children. The petitioner, the son of G.Gnana Sekar, has filed an application for the grant of a Succession Certificate under Section 372 of Indian Succession Act. The wife, daughter and mother who are the other class 1 heirs of G.Gnana Sekar are arrayed as respondents.

3. Pending the petition, the mother, D.Chellakkani Ammal died (3rd respondent). Though there was one more daughter named Balakeerthana, since she died on 17.02.2021 as spinster, she has not been made a party to the proceedings, which were initiated after her death.



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4. To prove the claim, the petitioner has relied upon the following 12 documents, which were marked as as Ex.P1 to Ex.P12.

<i>Exhibits</i>	<i>Documents</i>
Ex.P.1	Computer generated death certificate of Mr.Gnana Sekar
Ex.P.2	Computer generated legal heir ship certificate of Mr.Gnana Sekar.
Ex.P.3	Photocopy of the share certificate of Tamilnad Mercantile Bank Limited bearing registered folio No.0001939 and certificate No.000059250 stands in the name of Mr.D.Gnana Sekar
Ex.P.4	Photocopy of the share certificate of Tamilnad Mercantile Bank Limited bearing registered folio No.0001939 and certificate No.22960 stands in the name of Mr.D.Gnana Sekar
Ex.P.5	Photocopy of my Aadhaar Card
Ex.P.6	Photocopy of the Aadhaar Card of the first responden
Ex.P.7	Photocopy of the Aadhaar Card of the second respondent
Ex.P.8	Photocopy of the Aadhaar Card of the third respondent
Ex.P.9	Computer generated death certificate of Ms.G.Balakeerthana
Ex.P.10	Computer generated death certificate of the third respondent/Mrs.D.Chellakkani Ammal.
Ex.P.11	Copy of paper publication effected in one issue of Tamil daily “Makkal Kural” dated 01.03.2024.
Ex.P12	Certificate under Section 65 B of the Indian Evidence Act, 1872

5. The paper publication inviting objections from the general public had not revoked any objection or response. The other class I heirs, namely the wife and the daughter of late G.Gnana Sekar have given consent affidavits for the grant of the Succession Certificate in favour of the petitioner. Ex.P3 and Ex.P4, which are share certificates, support, the petitioner's claim that his father, G.Gnana Sekar,



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held the securities mentioned in the petition. The legal heir certificate, marked as

Ex.P2 indicates that the petitioner and respondents 1 and 2 are the surviving legal heirs of G.Gnana Sekar.

6. In the light of the above documents, there is no legal impediment to grant Succession certificate in favour of the petitioner. Hence, this *Original Petition stands Allowed*. A Succession Certificate is issued in favour of the petitioner, enabling him to collect the securities, receive interest and dividends and negotiate and transfer the securities specified in the schedule hereto. The petitioner is directed to render the account within one year from the date of grant of Succession Certificate.

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Index: Yes/No.

Internet : Yes/No.

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Petitioner's witness:

P.W.1 –G.Naveen

Documents marked:



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