



O.P.No.301 of 2025

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.10.2025

CORAM

THE HONOURABLE **MR. JUSTICE P.DHANABAL**

O.P.No.301 of 2025

- 1.T.K.Raman
- 2.R.K.Lekshman Gupta
- 3.T.K.Radhakrishnan
- 4.Smt.Kamaladevi Parthasarathy
- 5.T.K.Nandakumar
- 6.Smt.Usha Ramulu Gupta @ Usha Sreeramulu Gupta

...Petitioners

Vs.

Smt. Athanki Padma

.. Respondent

Prayer:- Original Petition is filed under Section 372 of the Indian Succession Act, 1925, read with Order XXV, Rule 6 of the Madras High Court Original Side Rules, praying to grant a succession certificate to and in favour of the fourth petitioner with power to collect the securities and to receive interest, dividends thereon and negotiate and transfer the securities as specified in the schedule.

For Petitioners : Mr.S.Udayakumar

For Respondent : Mr.Babu Rangasamy



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ORDER

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The petitioners have filed this petition under Section 372 of the Indian Succession Act, 1925, seeking for issuance of Succession Certificate in favour of the fourth petitioner in respect of the schedule mentioned securities.

2. It is averred in the petition that the deceased K.Saraswathy died on 22.06.2014 leaving behind the petitioners and the respondent. The deceased K.Saraswathy's husband predeceased her. It is further averred that during their lifetime, they purchased shares as set out in the schedule to this petition. It is further averred that the petitioners 1 to 3, 5 and 6 have no objection for issuance of Succession Certificate in favour of the fourth petitioner. The respondent, who is the sister of the fourth petitioner, has also filed an affidavit consenting to issue Succession Certificate in favour of the fourth petitioner.

3. Paper publication has been effected. There is no objector objecting issuance of Succession Certificate in favour of the fourth petitioner.

4. The fifth petitioner was examined as P.W.1 and Exs.P1 to P11



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WEB COPY were marked. Exs.P1 and P4 are the series of share certificates dated 10.07.1995 and 20.07.2011 issued by Talavadi Cements Limited and HDFC Bank Limited respectively in favour of the deceased K.Saraswathy; Ex.P2 is the photocopy of the death certificate of K.R.Kothandaraman; Ex.P3 is the photocopy of the legal heirship certificate of K.R.Kothandaraman; Ex.P5 is the death certificate of K.Saraswathy; Ex.P6 is the email dated 05.02.2019 sent by the fourth petitioner to the respondent; Ex.P7 is the legal heirship certificate of K.Saraswathy; Ex.P8 is the dividend warrant of the year 2018-19 issued by HDFC Bank for the shares held by K.Saraswathy; Ex.P9 is the email dated 29.11.2019 sent by the fourth petitioner to the respondent; Ex.P10 is the paper publication effected in Tamil Daily “Makkal Kural” dated 23.08.2025; and Ex.P11 is the certificate filed under Section 65B of the Indian Evidence Act & 63(4)(C) of BSA Act, 2023.

5. A bare perusal of the aforesaid oral and documentary evidence would reveal that the parents of the petitioners have jointly purchased the shares as set out in the schedule to this petition. Their parents died intestate leaving behind the petitioners as the respondents. Despite effecting paper publication, no objection has been received objecting



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issuance of Succession Certificate in favour of the fourth petitioner. As seen from the materials available on record, the petitioners 1 to 3, 5, 6 and the respondent are equally entitled to share the deposited money with 4th respondent and they have not objected for issuing Succession Certificate in favour of the fourth petitioner. Therefore, from the aforesaid facts and circumstances of the case, it is clear that the petitioners have proved their claim for the issuance of Succession Certificate in favour of the fourth petitioner. Accordingly, this petition is allowed and the Succession Certificate is issued in favour of the fourth petitioner with power to receive interest and dividends thereon and negotiate and transfer securities morefully described in the schedule to this petition.

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Index:yes/no

Neutral Citation: yes/no



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Petitioner's witness:

WEB COPY P.W.1 – Mr.T.K.Nandakumar

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
Exs.P1 & P4	Series of share certificates dated 10.07.1995 and 20.07.2011 issued by Talavadi Cements Limited and HDFC Bank Limited respectively in favour of the deceased K.Saraswathy.
Ex.P2	Photocopy of the death certificate of K.R.Kothandaraman.
Ex.P3	Photocopy of the legal heirship certificate of K.R.Kothandaraman.
Ex.P5	Death certificate of K.Sarasathy
Ex.P6	Email dated 05.02.2019 sent by the fourth petitioner to the respondent.
Ex.P7	Legal heirship certificate of K.Saraswathy.
Ex.P8	Dividend warrant of the year 2018-19 issued by HDFC Bank for the shares held by K.Saraswathy.
Ex.P9	Email dated 29.11.2019 sent by the fourth petitioner to the respondent.
Ex.P10	Paper publication effected in Tamil Daily “Makkal Kural” dated 23.08.2025.
Ex.P11	Certificate filed under Section 65B of the Indian Evidence Act & 63(4)(C) of BSA Act, 2023.

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P.DHANABAL, J.



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