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O.P.No.371 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

OP No.371 of 2025

- 1.Mr.Bharat Kumar K.Kamdar,
- 2.Mr.Ashwin Kumar Kamdar,
- 3.Mrs.Malati Sawjiani,

...Petitioners

PRAYER : Original Petition is filed under Section 372 of the Indian Succession Act, 1925 read with Order XXV Rule 6 of the Original Side Rules praying to grant Succession Certificate in favour of the first petitioner with power to collect the securities and to receive the interest and dividends there on and negotiate and transfer the securities specified in the Schedule hereto.

For Petitioners : Mr.R.Subramanian

ORDER

This petition has been filed by the petitioners praying to grant a Succession Certificate under Section 372 of the Indian Succession Act, 1925, read with Order XXV Rule 6 of the Original Side Rules, in favour of the first petitioner with power to collect the securities and to receive the interest and dividends there on and negotiate and transfer the securities specified in the Schedule.



2. According to the petitioners, Mrs. Pravina Kantilal Kamdar, who is the mother of the petitioners, died intestate on 13.01.2024, leaving behind the petitioners as her legal heirs. The first and second petitioners are the sons, and the third petitioner is the daughter of the deceased Mrs. Pravina Kantilal Kamdar.

3. During the lifetime of Mrs. Pravina Kantilal Kamdar, she has not executed any Will. The petitioners are the only legal heirs to the deceased Mrs. Pravina Kantilal Kamdar. Each of the petitioners is entitled to a 1/3 share in the estate of that deceased mother. The deceased Mrs. Pravina Kantilal Kamdar, during her lifetime, purchased shares and invested money in financial institutions, mutual funds, and banks. Therefore, the Succession Certificate is very essential to the petitioners to collect those share certificates and the amounts. The second and third petitioners have no objection for issuing a Succession Certificate in favour of the first petitioner. Therefore, the petitioners have filed this Original Petition.



4. After the filing of this Original Petition, the petitioners were directed to effect paper publication, and the same was also effected. No any objection was received from any party. Thereafter, the matter was posted for examination of witnesses, and the evidence was recorded.

5. In order to prove the case on the side of the petitioners, they examined P.W.1 and marked five documents as Exs.P1 to P5.

6. This Court also perused the entire documents including the evidence.

7. On a careful perusal of the above-mentioned documents and evidence, they revealed that the deceased, Mrs. Pravina Kantilal Kamdar, is the mother of the petitioners, and the petitioners are the only legal heirs of the deceased, Mrs. Pravina Kantilal Kamdar. During her lifetime, she purchased share certificates in her name, and the petitioners, being the legal heirs of Mrs. Pravina Kantilal Kamdar, are equally entitled to a 1/3 share over the share certificates and the alleged movable properties left by their



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mother. Therefore, the petitioners have amply proved the case. The petitioners two and three have no objection for issuing Succession certificate in favour of the first petitioner, and therefore, the first petitioner is entitled to a Succession Certificate.

8. In view of the same, this Original Petition is **allowed**, and a direction for the grant of a Succession Certificate in favour of the first petitioner, Mr. Bharat Kumar K. Kamdar, S/o. Late Kantilal Amichand Kamdar, with the power to collect the securities and to receive the interest and dividends thereon and negotiate and transfer the securities specified in the Schedule, as applicable, till the date of withdrawal, is issued.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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APPENDIX:

List of Petitioners side Witnesses:

P.W.1 : Mr.Bharat Kumar K.Kamdar



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List of Petitioners side Documents:

Exhibit No.	Date	Description of Documents
Ex.P1	05.02.2024	Computer generated Death Certificate of Mrs.Pravina Kantilal Kamdar.
Ex.P2	22.07.2024	Computer generated Legal Heir Certificate of Mrs.Pravina Kantilal Kamdar
Ex.P3	29.05.2025	Computer generated report of statement of holdings as on 29.05.2025 on ICICI Bank Demat Services bearing DP ID No.IN303028 of Mrs.Pravina Kantilal Kamdar.
Ex.P4	-----	The Certificate filed under Section 63(4) of BSA.
Ex.P5	04.09.2025	The Copy of the paper publication effected in one issue of Tamil daily “Makkal Kural” dated 04.09.2025.

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