



O.P.No.637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.03.2025

CORAM

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

O.P.No.637 of 2024

- 1.Srinivasan Muthugopal
- 2.Jamunalakshmi Balavenkataraman
- 3.Prashanna
- 4.Sriprasath
- 5.N.Banumathi
- 6.Naveen Nagamanickam
- 7.Thavamani Kuppusamy
- 8.Pethannapradeep (minor) ... Petitioners
(minor rep., by guardian/mother, the 7th petitioner, Thavamani Kuppusamy)

PRAYER: Original Petition filed for Succession Certificate under Section 372 of the Indian Succession Act, XXXIX of 1925 read with under Order XXV Rule 6 of Original Side Rules 1956, prays to grant a Succession Certificate to the first petitioner with the power to collect the securities, to receive interest, dividends thereon and negotiate and transfer the securities specified in the schedule hereto.

For Petitioner : Ms.K.P.Uma Maheswari

For Respondent : No Appearance



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ORDER

The petitioners seek Succession Certificate in favour of the first petitioner in respect of the securities held by Late P.Muthugopal and late. Pankajalakshmi, who died intestate on 15.03.1999 and 04.01.2007. The first petitioner is the son of the deceased. The petitioners 2 to 4 are the daughter in law and grandsons of the deceased through his son Balavenkataraman. The petitioners 5 and 6 are the daughter in law and grandson of the deceased through his son Nagamanickam. The petitioners 7 and 8 are the daughter in law and grandson of the deceased through his son M.Mohan who changed his name from Santhanakrishnan vide Gazette Notification dated 26.08.2015.

2. The first petitioner has been examined as PW1. He has produced the photocopy of the death certificates of the deceased persons, their three sons as Ex.P1, Ex.P3, Ex.P4, Ex.P6 and Ex.P9. The legal heirship certificates of the deceased P.Muthugopal and his three sons as Ex.P2, Ex.P5, Ex.P7 and Ex.P10. On perusal of Ex.P2, it shows that the deceased persons had four sons including the first petitioner. Ex.P5 shows that the deceased son Balavenkatraman had a wife and two sons who are the



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petitioners 2 to 4 herein. Ex.P7, reveals that the deceased son

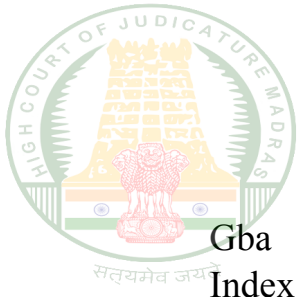
Nagamanickam had a wife and a son who are the petitioners 5 and 6 herein.

Ex.P10, shows that the deceased son Mohan had a wife and a son who are the respondents 7 and 8 herein. The Gazette Notification for name change as Ex.P8. From the above observation, it can be inferred that the petitioners herein are the only surviving legal heirs of the deceased person. The consent affidavit to grant succession certificate in favour of the first petitioner were marked as Ex.P14 to Ex.P19. A paper publication has been made and no objections have been received.

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.

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Index :Yes/No

Speaking: Yes/ No

Neutral Citation: Yes/No



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Petitioner's witness:

P.W.1 — Mr.Srinivasan Muthugopal

Documents exhibited by the petitioner:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Photocopy of the death certificate of deceased late P.Muthugopal, dated 15.03.1999, (Original is produced, compared and returned to the petitioner's counsel)
Ex.P2	Photocopy of the legal heir certificate of deceased late P.Muthugopal, dated 21.03.2007. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P3	Photocopy of the death certificate of deceased late Pankajalakshmi, W/o.P.Muthugopal, dated 04.01.2007.
Ex.P4	Computer generated copy of the death certificate of the deceased Balavenkataraman S/o.Late P.Muthugopal
Ex.P5	Computer generated copy of the legal heir certificate of deceased Balavenkataraman S/o.Late P.Muthugopal
Ex.P6	Photocopy of the death certificate of the deceased Nagamanickam S/o.Late P.Muthugopal, (Original is produced, compared and returned to the petitioner's counsel)
Ex.P7	Photocopy of the legal heir certificate of deceased Nagamanickam S/o.Late P.Muthugopal. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P8	Photocopy of the gazetted notification issued by Tamilnadu Government, dated 26.08.2015 for name change of M.Santhana Krishna as M.Mohan (Original is produced, compared and returned to the petitioner's counsel).
Ex.P9	Computer generated copy of the death certificate of deceased Mohan @ Santhanakrishnan S/o.Late P.Muthugopal.
Ex.P10	Photocopy of the legal heir certificate of deceased Mohan @ Santhana Krishnan (Original is produced, compared and returned to the petitioner's counsel)



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<i>Exhibits</i>	<i>Documents</i>
Ex.P11	Photocopy of the letter dated 07.02.2024.
Ex.P12	Photocopy of the letter dated 29.05.2023. (Original is produced, compared and returned to the petitioner's counsel)
Ex.P13	Photocopy of the letter dated 17.08.2023
Ex.P14	Consent affidavit of the 2 nd petitioner
Ex.P15	Consent affidavit of the 3 rd petitioner
Ex.P16	Consent affidavit of the 4 th petitioner
Ex.P17	Consent affidavit of the 5 th petitioner
Ex.P18	Consent affidavit of the 6 th petitioner
Ex.P19	Consent affidavit of the 7 th petitioner
Ex.P20	Paper publication in Makkal Kural effected on 04.12.2024.

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