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O.P.No.68 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.08.2025**

CORAM

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

O.P.No.68 of 2025

1.S.Sankara Subramanian

2.Bhoovaneswari

3.Lakshmi Priya

...Petitioners

PRAYER: Original Petition filed under Section 372 of the Indian Succession Act and under Order XXV Rule 6 of the Original Side Rules praying to grant Succession Certificate to the petitioners with power to collect the debts and to receive the interest and dividends on and negotiate and transfer the securities specified in the schedule hereto.

For Petitioners : Mr.T.Dhakana

ORDER

The petitioners seek Succession Certificate in respect of the securities held by Mr.K.S.Subbiah, who died intestate on 24.12.2018. The petitioners submit that the deceased Late.Mr.K.S.Subbiah got married to one Mrs.Chandra and had



begotten the 1st petitioner and one Mr.Rajendran as their children out of the said wedlock. The petitioners further submit that one of the sons of the deceased Mr.Rajendran predeceased his father on 16.06.2015, leaving behind his wife, the 2nd petitioner herein and his daughter, the 3rd petitioner herein, as his legal heirs. Subsequently the wife of the deceased Mrs.Chandra had also predeceased her husband, the deceased herein, on 25.12.2017.

2. The petitioners assert that the 1st petitioner as the legal heir of deceased and the 2nd and 3rd petitioner, as the legal heirs of Late.Mr.Rajendran who is the predeceased son of the deceased, are entitled to the securities listed held by the deceased, which are listed under the schedule of the petition. The petitioners therefore contend that the 1st petitioner is entitled to ½ share of the securities listed under the schedule of the petition, whereas the 2nd and 3rd petitioners are jointly entitled to the other ½ share of the securities.

3. The first petitioner has been examined as PW1. He has produced 10 documents to support his deposition, which are listed as Ex.P1 to Ex.P10 at the foot of the order. The online copies of the death certificate and the legal heirship certificate of the deceased, Late.Mr.K.S.Subbiah have been marked as Ex.P6 and Ex.P7 respectively. The online copy of the death certificate and the legal heirship



certificate of Late.Mrs.Chandra, the wife of the deceased had been marked as Ex.P4 and Ex.P5 respectively. The online copy of the death certificate and the photocopy of the legal heirship certificate of Late.Mr.Rajendran, the predeceased son of the deceased have been marked as Ex.P2 and Ex.P3, respectively. The perusal of the Ex.P7 proves that the 1st petitioner and Late.Mr.Rajendran are the sons of the deceased. Further the perusal of Ex.P3 proves that the 2nd and 3rd petitioner are the only legal heirs of the Late.Mr.Rajendran who is the predeceased son of the deceased. Therefore both the Ex.P3 and Ex.P7 substantiates the claims made in the petition that the 1st petitioner is entitled to one-half share and the 2nd and 3rd petitioners are together entitled to the other one-half share, from the securities held by the deceased. The general paper publication has been effected and no objections have been received for the same.

4. 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.

5. In view of the above evidence, the Original Petition is allowed granting Succession Certificate in favour of the petitioners, with the power to collect the



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debts/securities and receive the interest and dividends on and negotiate and transfer the securities mentioned in the schedule to the petition

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Index :Yes/No

Petitioners' witness:

P.W.1 – Mr.S.Sankara Subramanian

Documents exhibited by the petitioners:

Exhibits	Documents
Ex.P1	Photocopy of the Share details of deceased K.S.Subbiah dated 28.06.2011 (Original compared, verified and returned)
Ex.P2	Online copy of the Death Certificate of Late Rajendran dated 05.11.2024.
Ex.P3	Photocopy of the Legal heir certificate of Late Rajendran dated 23.02.2016.
Ex.P4	Online copy of the Death Certificate of Late S.Chandra dated 24.01.2018.
Ex.P5	Online copy of the Legal heir certificate of Late Chandra dated 13.05.2019.
Ex.P6	Online copy of the Death certificate of Late K.S.Subbiah dated 05.11.2024.
Ex.P7	Online copy of the Legal Heir certificate of Late K.S.Subbiah dated 26.06.2019.
Ex.P8	Photocopy of the Aadhaar card of Mr.S.Sankara Subraanian.



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Ex.P9	Photocopy of the Aadhaar card of the 2 nd petitioner Bhuvaneshwari (Original compared verified and returned)
Ex.P10	Photocopy of the Aadhaar card of 3 rd petitioner Lakshmi Priya (Original compared verified and returned)

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