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O.P.No.19 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.04.2025**

CORAM

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

**O.P.No.19 of 2025**

- 1.Mrs.Bharati H Kothari
- 2.Mr.Himanshu H Kothari
- 3.Mrs.Tanvi M Jain
- 4.Mrs.Neha Shah

...Petitioners

**PRAYER:** Original Petition filed under Section 372 of Indian Succession Act 1925 for Succession Certificate in respect of certain securities belonging to the deceased Mr.Hasmukh P Kothari read with ORDER XXV, Rule 6 of O.S. Rules, pray that a Succession Certificate may be granted to the 2<sup>nd</sup> petitioner, with power to collect the securities, units to receive the interest and divides and negotiate and transfer/transmission of the securities units specified in the schedule hereto.

For Petitioners : M/s.M.Devi

**ORDER**

The petitioners seek Succession Certificate in favour of the second petitioner in respect of the securities held by Late.Mr.Hasmukh P Kothari, who died intestate on 17.06.2022. The 1<sup>st</sup> petitioner is the wife of the deceased and the petitioners 2 to 4 are the children of the deceased.



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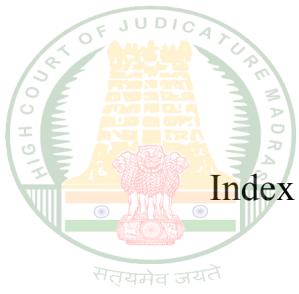
2. The second petitioner has been examined as PW1. He has produced the computer generated death certificate of the deceased Late.Mr.Hasmukh P Kothari as Ex.P1. The legal heirship certificate of the deceased Late.Mr.Hasmukh P Kothari has been marked as Ex.P2. A perusal of Ex.P2 shows that the petitioners are the only legal heirs of the deceased Late.Mr.Hasmukh P Kothari. The petitioners 1, 3 and 4 have given their consent to grant the Succession Certificate in favour of the 2<sup>nd</sup> petitioner and their respective consent affidavits have been filed along with the petition. 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 second petitioner, with the power to collect the securities and receive the interest and dividends and negotiate and transfer the securities mentioned in the schedule to the petition.

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**Petitioner's witness:**

P.W.1 – Mr.Himanshu H Kothari

**Documents exhibited by the petitioner:**

| Exhibits | Documents                                                                  |
|----------|----------------------------------------------------------------------------|
| Ex.P1    | Online copy of death certificate of Mr.Hasmukh P Kothari dated 17.06.2022. |
| Ex.P2    | Online copy of legal heirship certificate dated 07.11.2022.                |
| Ex.P3    | Original statement of securities.                                          |
| Ex.P4    | Photocopy of Aadhaar Card of Mrs.Bharati H Kothari.                        |
| Ex.P5    | Photocopy of Aadhaar card of Mr.Himanshu H Kothari.                        |
| Ex.P6    | Photocopy of Aadhaar card Mrs.Tanvi M Jain.                                |
| Ex.P7    | Photocopy of Aadhaar card Mrs.Neha Shah.                                   |

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**K.KUMARESH BABU, J.**

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