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OP No. 594 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

OP No. 594 of 2025

1. Sheela Thomas
2. Pertreesia Maria.T.

..Petitioner(s)

Original Petition has been filed under Section 372 of the Indian Succession Act 39 of 1925 read with Order XXV Rule 6 of O.S.Rules praying that a Succession Certificate may be granted to the 2nd petitioner herein with the power to collect and receive the amounts due in respect of the securities belonging to Late Antony Thomas specified in the Schedule hereto. Net amount of Rs.11,65,894.06/- Suc duty of Rs.25,000/- paid D.No.41636/25 Dated 31.10.2025

For Petitioner(s): M/s.S.Akila

ORDER

This Original Petition has been filed under Section 372 of the Indian Succession Act, 1925, seeking grant of a succession certificate in respect of the securities left by late Antony Thomas, who died intestate. The petitioners are, wife of the deceased, and daughter of the deceased.



2. The petitioner states that Antony Thomas died on 04.05.2023 at St. Isabel Hospital, Mylapore, Chennai, and that he last ordinarily resided within the jurisdiction of this Court. It is further pleaded that the deceased left no Will, that no application for probate, letters of administration, or succession certificate had earlier been made, and that the petitioners are the only surviving legal heirs. The petition specifically seeks issuance of succession certificate in favour of the second petitioner, with the consent and no-objection of the first petitioner.

3. The securities in respect of which the certificate is sought are shown in Folio No.13950938/67 standing in the sole name of the deceased with HDFC Mutual Fund. The schedule to the petition gives the value of HDFC Mid Cap Fund – Growth Plan at Rs.5,96,626.49 and HDFC Small Cap Fund – Growth Plan at Rs.5,69,267.57, aggregating to Rs.11,65,894.06 as on 14.07.2025.

4. The HDFC Mutual Fund account statement filed in support of the petition confirms that Folio No.13950938/67 stands in the name of “A Thomas”, in single holding mode, that no nominee has been opted, and that as on 15.07.2025 the market value of the HDFC Mid Cap Fund units was Rs.5,96,626.49 and that of the HDFC Small Cap Fund units was Rs.5,69,267.57, making a grand total of Rs.11,65,894.06.



5. There is no respondent arrayed in the petition. The general paper publication was effected in the Tamil daily “Malai Thamizhagam” on 21.01.2026 and encloses the newspaper copy. The published notice calls upon objections, if any, to the grant of succession certificate in favour of the second petitioner in respect of the sum of Rs.11,65,894.06 belonging to deceased Antony Thomas.

6. On 09.02.2026, the Master recorded that service had been completed, and that pursuant to the general paper publication, objections were called for in open court, but no objection was raised by any party.

7. Before the learned Master, P.W.1 Pertreesia Maria T, the second petitioner, was examined on 25.02.2026. She adopted her proof affidavit and marked Exs.P1 to P8, namely: death certificate, legal heirship certificate, Aadhaar cards of the deceased and both petitioners, account statement of Folio No.13950938/67, paper publication in “Maalai Tamizhagam” dated 21.01.2026, and certificate under Section 63(4)(c) of the Bharatiya Sakshya Adhiniyam. Her proof affidavit reiterates that she and the first petitioner are the only surviving legal heirs and that the first petitioner has no objection to issuance of succession certificate in her favour.

8. On the basis of the oral and documentary evidence this Court is satisfied that Antony Thomas died intestate; the petitioners alone are his



surviving legal heirs; the securities described in the schedule stand solely in deceased name and have no nominee; the first petitioner has consented to grant of certificate in favour of the second petitioner; and despite publication, no caveat, objection or rival claim has been made.

9. On the above materials, this Court is satisfied that the petitioners have proved the entitlement for grant of succession certificate and that there is no legal impediment to grant of the same. Since the first petitioner has expressly given no objection, the certificate can appropriately issue in favour of the second petitioner as prayed for, limited to the securities described in the schedule to the petition.

10. In the result, this Original Petition is allowed. The second petitioner is entitled to the value of the petition-mentioned assets and a direction for grant of Succession Certificate in favour of the second petitioner with power to collect the debts and to receive the interest and dividends on and negotiate and for terminal benefits, if any, specified in the Schedule, as applicable till the date of withdrawal, is issued.

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Index: Yes/No
Speaking/Non-speaking order
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Petitioner's witness:

P.W.1 – Ms.Pertreesia Maria.T

Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Computer generated death certificate of Mr.Antony Thomas
Ex.P2	Computer generated legal heirship certificate of Mr.Antony Thomas.
Ex.P3	Photocopy of the Aadhaar card of Mr.Antony Thomas (compared with the original)
Ex.P4	Photocopy of the Aadhaar card of Mrs.Sheela Thomas (compared with the original)
Ex.P5	Photocopy of my Aadhaar card (compared with the original)
Ex.P6	Downloaded copy of the accounts statement bearing Folio No.13950938/67 of Mr.A.Thomas
Ex.P7	Copy of the paper publication effected in one issue of Tamil Daily “Maalai Tamizhagam” dated 21.01.2026.
Ex.P8	Certificate under Section 63 (4) (C) of BSA

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