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A. No. 3273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.06.2026
PRONOUNCED ON : 25.06.2026

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THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

A. No. 3273 of 2025
in
O.P. No. 1083 of 2019

Mrs.Neena Dave
D/o.Mr.Thomas P Peter,1610 Little Raven Street,
Unit Ph2 Denver Colorado 80202-6180 Usa.

..Applicant(s)

Vs

1. Dr.Joseph Thomas Paniculangara
S/o.Mr.Thomas P Peter, L3, Old No.76, 21st
Street, Anna Nagar East, Chennai-600 102
2. Mr.Peter Paniculangara Thomas
S/o.Mr.Thomas P Peter, L3, Old No.76, 21st
Street, Anna Nagar East, Chennai-600 102

..Respondent(s)

To revoke the Succession Certificate granted by this Honble Court in favour of the 1st Respondent herein on 05/12/2022 in furtherance of the orders of this Honble Court in O.P.NO.1083 of 2019 dated 13/09/2023.

For Applicant(s): Mr.K.N.Arun Prasad for
M/s.India Law Offices Llp

For Respondent(s): Mr.R.S.Kirubakaran For R1
M/s.Gautham Venkatesh For R2

ORDER

This application has been filed by the applicant / respondent seeking recall of the Succession Certificate issued on 05.12.2022 in favour of the 1st



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respondent, pursuant to the order dated 13.09.2022 passed in O.P.No.1083 of 2019, and for issuance of a fresh Succession Certificate by including the names of the applicant and the 2nd respondent also.

2. O.P.No.1083 of 2019 was filed by the 1st respondent, Dr. Joseph Thomas Paniculangara, seeking grant of Succession Certificate in respect of securities, bank deposits and other movable assets standing in the names of late Thomas P. Peter and late Annie Thomas. The said Original Petition was allowed on 13.09.2022 and Succession Certificate was granted in favour of the 1st respondent alone.

3. The applicant is the daughter of late Thomas P. Peter and late Annie Thomas. The 1st respondent and the 2nd respondent are her brothers. There is no dispute that all three are the children / legal heirs of the deceased parents.

4. The applicant contends that she had never given consent for issuance of the Succession Certificate exclusively in favour of the 1st respondent. According to her, the Succession Certificate ought not to have been issued in the name of the 1st respondent alone, since she and the 2nd respondent are also interested persons and beneficiaries.



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5. The 1st respondent has filed counter affidavit opposing the application.

However, in the counter affidavit, the 1st respondent has admitted that the statement in his proof affidavit in O.P.No.1083 of 2019 that respondents 1 and 2 had given consent affidavits for grant of Succession Certificate in his favour was a typographical error. He has also admitted that no consent affidavits of the applicant and the 2nd respondent were listed in the proof affidavit or marked in evidence during chief examination on 31.03.2022.

6. The 1st respondent has also stated that O.P.No.1083 of 2019 was filed for grant of Succession Certificate relating to movable assets, including securities held by late Thomas P. Peter and late Annie Thomas. He has further stated that O.P.No.436 of 2019 was filed separately for probate of the Will dated 12.04.2018 and that probate was granted on 05.09.2022.

7. The records show that the Succession Certificate proceedings were pending for some time and that the parties were aware of the proceedings. It is also seen that the applicant had entered appearance in the Succession Certificate proceedings. However, the crucial issue in the present application is not mere knowledge of the proceedings, but whether there was clear



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consent for grant of Succession Certificate exclusively in favour of the 1st respondent.

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8. Since the 1st respondent himself admits that no consent affidavits were produced or marked, this Court is of the view that the Succession Certificate issued solely in favour of the 1st respondent cannot be permitted to continue in that form, especially when the applicant and the 2nd respondent are also interested persons in the estate.

9. It is also relevant that disputes have arisen among the parties regarding the administration of the estate, operation of bank accounts, fixed deposits, securities and shares. The 1st respondent has also stated in his counter affidavit that the applicant is entitled to equal share in the securities standing in the names of the deceased parents, though he raises a separate claim of survivorship in respect of certain jointly held Titan shares.

10. A Succession Certificate does not decide title finally. It only enables collection of debts and securities. Therefore, while recalling the Succession Certificate issued solely in favour of the 1st respondent, this Court is not deciding the inter se title, survivorship claim or final entitlement of the



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parties in respect of any particular share, security, deposit or movable asset.

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11. In view of the above, A.No.3273 of 2025 is allowed. No costs.

12. The Succession Certificate issued on 05.12.2022 in O.P.No.1083 of 2019 exclusively in favour of the 1st respondent, Dr. Joseph Thomas Paniculangara, is recalled / revoked to that extent.

13. The Registry is directed to issue a fresh Succession Certificate in respect of the debts and securities covered in O.P.No.1083 of 2019 by including the names of all the three legal heirs / beneficiaries, namely:

- i. Dr. Joseph Thomas Paniculangara;
- ii. Mrs. Neena Dave; and
- iii. Mr. Peter Paniculangara Thomas,

subject to compliance with court fee, security, indemnity and other Registry requirements, if any.

25-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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