

IN THE COURT OF THE CIVIL JUDGE(SENIOR DIVISION), KAIKALURU

Present: - Smt.V.V.N.V.Lakshmi

Civil Judge(Senior Division)

Friday, this the 06th day of September, 2024

S.C.O.P.01/2024

Between:

1. Polavarapu Nagamani, W/o late Krishna Murthy,
aged about 68 years, R/o D.No.8-175, Flat No.4B,
Amrutha Towers, Padmaja Nagar, Tadigadapa,
Krishna District
2. Polavarapu Venkata Satya Vara Prasad,
S/o late Krishna Murthy, aged about 54 years,
R/o D.No.6-167-1, Main Road, Mudinepalli,
Krishna District
3. Nandhamuri Jayasree, D/o late Krishna Murthy,
W/o Nandamuri Srinivas, aged about 51 years,
R/o D.No.8-175, Flat No.4B, Amrutha Towers,
Padmaja Nagar, Tadigadapa, Krishna District

...Petitioners

And

Nil

... Respondent

This petition is coming on 27.08.2024 before me for hearing in the presence of Sri K.Naveen, advocate for the petitioners; and upon perusing the material on record, the Court made the following____

ORDER

The petitioners filed this petition under Sec.372 of Indian Succession Act to issue succession certificate in their favour in respect of the shares stands in the name of late Polavarapu Krishna Murthy.

02. Brief facts of the petitioners case are as follows:

1st petitioner is the wife, 2nd petitioner is the son and the 3rd petitioner is the daughter of Polavarapu Krishna Murthy, S/o Venkata Ramana, R/o D.No.1-136/A, Chevuru village, Mudinepalli Mandal. The said Polavarapu Krishna Murthy was having several movable, immovable properties including the properties mentioned in the petition schedule. Unfortunately the said Polavarapu Krishna Murthy died intestate on 09.08.2017 leaving behind the petitioners as his sole legal heirs of his estate as per Hindu Succession Act.

Since the date of death of Polavarapu Krishna Murthy, the petitioners have been enjoying the properties inherited from the said Polavarapu Krishna Murthy with absolute rights. They are shares in Coromandel Fertilizers Limited and Coromandel International Limited and as such the petitioners complied all formalities and applied for transmit of shares in the name of the 1st petitioner. The 1st petitioner several times send letters requesting the company authorities to transmit the shares in her name and also send all necessary papers including Death Certificate, Family members Certificate issued by Tahsildar, Mudinepalli. But the authorities without considering the request of the petitioners, send an email requesting the petitioners to produce Legal heirship Certificate/Succession Certificate to enable them to transmit the shares as requested by the 1st petitioner herein. Petitioners are the only legal heirs entitled for the shares mentioned in the petition schedule. Except the petitioners, no other person is entitled for the shares mentioned in the petition schedule. No other petition was filed either by the petitioner or any other person before the Court for issue of Succession Certificate in view of death of late Polavarapu Krishna Murthy in respect of the properties mentioned in the petition schedule. Hence, the petition.

3. During course of enquiry, Petitioner No.1 was examined as PW1 and got marked Ex.P1 to Ex.P5.

4. Heard learned counsel for the Petitioner.

5. **Now the point for consideration is;**

“ Whether the Petitioners are entitled for Succession Certificate to receive the petition schedule shares as prayed for?”

6. The 1st Petitioner herself examined as PW1 and in her chief-examination deposed same as on the lines of petition averments. According to evidence of P.W.1, she is the wife, 2nd petitioner is son and 3rd petitioner is the daughter of Polavarapu Krishna Murthy and said Polavarapu Krishna Murthy died intestate on 09.08.2017 leaving behind them as his sole legal heirs. She further deposed that from the date of death of Polavarapu Krishna Murthy, they have been enjoying the properties inherited from the said Krishna Murthy with absolute rights. There are shares in the Coromandel Fertilizers and Coromandel International Limited and they complied all formalities and applied for transmit shares in her name, but the company authorities requesting them to produce Legal heirship Certificate/Succession Certificate to enable them to transmit the shares as requested by her. Evidence of P.W.1 supported the petition averments in all respects.

Ex.P1 is the Death Certificate of Polavarapu Krishna Murthy, dated 23.08.2017 reflecting that he died on 09-08-2017. Ex.P2 is the Family member Certificate issued by Tahsildar, Mudinepalli, Krishna District, dated 30.06.2021 showing that Petitioners 1 to 3 are the family members of Polavarapu Krishna Murthy. Ex.P3 is the Equity share certificate issued by Coromandel Fertilizers Limited, dated 27.02.2008 in favour of Polavarapu Krishna Murthy for 300 shares. Ex.P4 is the Equity share certificate issued by Coromandel International Limited, dated 24.12.2010 in favour of Polavarapu Krishna Murthy

for 600 shares. Ex.P5 is the Bonus Debenture certificate issued by Coromandel International Limited in favour of Polavarapu Krishna Murthy for 600 debentures.

7. This court issued General publication by inviting the objections if any from the General public. No rival claimants appeared before this court to claim the petition schedule amounts. The evidence of PW1, Ex.P1 to Ex.P5 clearly showing that the deceased had shares and debentures in Coromandel Fertilizers Limited and Coromandel International Limited respectively and died intestate on 09.08.2017 and that Petitioner Nos.1 to 3 are class-1 legal heirs. Hence, this court holds that the succession certificate can be issued to the petitioners to claim the petition schedule shares from Coromandel Fertilizers Limited and Coromandel International Limited.

Accordingly point is answered in favour of the Petitioners.

8. In the result, Petition is **allowed** in favour of the Petitioners and issue Succession Certificate in favour of the Petitioners to receive the petition schedule shares or petition schedule value of shares from Coromandel Fertilizers Limited and Coromandel International Limited under Exs.P3 to P5 respectively.

Typed to my dictation by the Personal Assistant, corrected and pronounced by me in the open Court, on this the 06th Day of September, 2024.

**CIVIL JUDGE (SENIOR DIVISION),
KAIKALUR**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioner:

PW1: Polavarapu Nagamani

For Respondent: None

DOCUMENTS MARKED

For petitioner

Ex.P1: Death Certificate of Polavarapu Krishna Murthy, dated 23.08.2017

Ex.P2: Family Member certificate issued by Tahsildar, Mudinepalli, Krishna District, dated 30.06.2021

Ex.P3: Equity share certificate issued by Coromandel Fertilizers Limited, dated 27.02.2008.

Ex.P4: Equity share certificate issued by Coromandel International Limited, dated 24.12.2010.

Ex.P5: Bonus Debenture certificate issued by Coromandel International Limited.

**CIVIL JUDGE (SENIOR DIVISION),
KAIKALUR**