

IN THE COURT OF THE SUBORDINATE JUDGE, AMBATTUR

Present : Tmt. P.R. Supraja, M.L.,
Subordinate Judge, Ambattur.

Tuesday, this the 27th day of June 2023

SCOP No.92/2022

(CNR.No.TNTR3A0003022022)

...

1. P. Seethalakshmi
2. Geetha Gopal
3. P. Ashok
4. Rohini Balachandran

... Petitioners

/Vs/

Nil

... Respondent

This petition came up before me for final hearing on 20.06.2023 in the presence of M/s. D. Saravanan, N. Biswanth and P.M. Ashok Kumar, Advocates for Petitioners and upon hearing the Counsel for Petitioner, perusing the entire records and having stood over for consideration till this day, this Court delivered the following:

ORDER

This Petition is filed by the Petitioners for the relief of grant Succession Certificate in favour of the 3rd Petitioner Mr. P. Ashok for transfer of the 360 shares of JSW Steel Limited, with Registered Office JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai 400 051, bearing Regd. Folia No.JSW1140081, Certificate No.2644022 each share valued at Rs.1/- with the total value of 360 shares being Rs.360/-.

2. The Averments in the Petition are as follows:-

The 1st petitioner is the wife of late Panchapakesan and petitioners 2 to 4 are the children of S. Panchapakesan. The said Panchapakesan died on 01.12.2011 leaving behind the petitioners as his legalheirs. The petitioners submit that the deceased Panchapakesan had 360 shares in JSW Steel limited. After his demises the petitioners are entitled to get the shares transfered in their name and when the company was approached they were directed to obtain Succession Certificate from the competent Court. The petitioners 1,2 and 4 have no objection to transfer the above shares in the name of 3rd petitioner Mr. Ashok. Hence, this petition.

3. On the side of the Petitioner, the Petitioner has examined himself as PW1 and Ex.P1 to Ex.P3 were marked.

4. Points for Determination:

1. Whether the Petitioners are Class I Legal heirs of Deceased Late.
Panchapakesan?
2. Whether Succession Certificate can be granted with respect to
Movable properties mentioned in the schedule?

5. Points 1 and 2 answered simultaneously:

The learned Counsel for the petitioner would submit that the 1st petitioner is the wife of late Panchapakesan and petitioners 2 and 4 are the children of S. Panchapakesan. The said Panchapakesan died on 01.12.2011 leaving behind the petitioners. The petitioners submit that the deceased Panchapakesan had 360 shares in JSW Steel limited. After his demise the petitioners are entitled to get the shares

transferred in their name. When the company was approached they were directed to obtain Succession Certificate from the competent Court. He would further state the petitioners 1, 2 and 4 have no objection to transfer the above shares in the name of the 3rd petitioner Mr. Ashok. In support in his case the learned Counsel for the petitioner relied on Ex.P1 to Ex.P3.

6. This petitioner is filed seeking Succession Certificate in favour of the 3rd petitioner enabling him to transfer the shares owned by deceased father as shown in the schedule. The 1st petitioner is the wife of deceased Panchapakesan and the other petitioners are the daughters. The petitioners have stated no objection for transferring of share in the name of the 3rd petitioner.

7. Paper publication and Tom Tom effected at the expense of Petitioner. It was read outside the Court - Hall. There was no objectors. So, this court proceeded with this Application. Further 3rd Petitioner examined himself as PW1. Ex.P1 to Ex.P3 were marked. This Application is to be dealt by summary procedure as contemplated under Section 373a of Indian Succession Act and proceeded accordingly.

8. The Death Certificate of Late. Panchapakesan is filed showing that he died on 02.12.2011. Ex.P1 is the death certificate of Panchapakesan registered on 09.12.2011. An extract from the register of death is bound to be accepted as conclusive proof as to the date of death of a person, when there is no controversy that the extract did not relate to the person whose death is in Question. The death register is covered by Sec.

35 of Indian Evidence Act. The death certificate of Panchapakesan is filed under Ex.P1 which shows that he died on 01.12.2011.

9. The Legal heirship Certificate of Late. Panchapakesan marked as Ex.P2 would evidence the fact that Seethalakshmi aged about 90 years is the wife/widow of late Panchapakesan and Geetha gopal aged about 71 years, Rohini Balachandran aged about 62 years are the daughters of late Panchapakesan and the 3rd petitioner Ashok aged about 67 years is the son of late Panchapakesan. Therefore Ex.P2 would establish that the deceased late Panchapakesan died leaving behind the petitioners as his legal heirs. Ex.P1 and Ex.P2 are sufficient to establish and prove the fact that the petitioners are Class-I legalheirs of deceased late Panchapakesan by virtue of Hindu Succession Act.

10. Ex.P3 is the Share certificate of JSW Steel Limited. A cursory perusal of the same would reveal that the deceased Panchapakesan Srinivasan holds 360 shares in the said company. It was pleaded after the death of the 1st petitioner husband's and 2 to 4 petitioners father's, late Panchapakesan, when the petitioners' approached JSW Steel limited to transfer the shares in their name, they refused to do so and claimed Succession Certificate from the Court. Hence, the cause of action for approaching this Court by the petitioners for Succession Certificate is established.

11. Section 373 of Indian Succession Act contemplates that the Succession Certificate shall be issued to a person who has a right to the Amount. The documents relied on by the petitioners are sufficient to establish that they have a right to the Certificate to facilitate the transfer of shares which the late Panchapakesan was

entitled to in their name. The evidence on the part of the petitioners are cogent and credible in support of the applications. In view of the above said reasons the claimants/ petitioners are entitled for transfer of 360 shares of JSW Steel limited which stood in the name of the deceased Panchapakesan. Moreover, the other petitioners have stated no objection for grant of Succession Certificate in the name of 3rd petitioner. The main object of a Succession Certificate is to transfer of the shares held by the deceased person in favour of his legalheirs. This Court is inclined to grant Succession Certificate in favour of petitioners. The petitioners have established their right to Succession Certificate to transfer the shares due to deceased late. Panchapakesan. Therefore, this Court considering the testimonies filed by petitioner's satisfied that the 3rd petitioner on behalf of other petitioners is entitled for Succession Certificate to transfer the 360 shares from JSW Steel limited in his name.

In the result, Petition is Allowed. Issue a Succession Certificate in favour of the 3rd petitioner Mr.P. Ashok for transfer of the 360 shares of Steel Limited, with Registered Officer JSW Centre, Bandra Kurla Complex, Bandra (East), Mumbai-400 051, bearing Regd. Folio No.JSW1140081, Certificate No.2644022 each share valued at Rs.1/- with the total value of 360 shares being Rs.360/-.

Dictated by me to Steno - typist and typed by her directly in the computer, corrected and pronounced by me in open court, on this 27th day of June 2023.

Subordinate Judge,
Ambattur.

Petitioners side Witness :

PW1 - Mr. P. Ahsok

Petitioners side Exhibits :

Ex-P1 14.12.2011 The Death Certificate of late. Panchapakesan

Ex-P2 - Online copy of Legal Heir certificate of Late.Panchapakesan

Ex-P3 - JSW Steel limited share certificate

Subordinate Judge,
Ambattur.