

MHBUE070015112022



Received on	04.10.2022		
Registered on	04.10.2022		
Decided on	23.11.2022		
Duration	00Y	01M	19 D

IN THE COURT OF CIVIL JUDGE, JR. DN., SHEGAON
 (Presided over by J.R.Ghadge)

Succession Case No. 3/2022

Exh.

1. Varsha Dhananjay Khakre,
age- 43 yrs., Occup. – Household,
2. Harshal Niranjana Pimpalkar,
age-37 yrs., Occup.- Private Job,
No. 1 & 2 R/o Rokadiya Nagar, Shegaon,
Tq. Shegaon, Dist. Buldana.
3. Sau. Pradnya Sharad Kanherkar,
age-47 yrs., Occup.- Household,
R/o.Anjangaon Surji, Dist. Amravati.
4. Sau. Jayashri Gajanan Nimbokar,
age-45 yrs., Occup.- Household,
R/o Kasbe Gavhan, Anjangaon Surji,
Dist. Amravati.
5. Sau. Uma Avinash Dhajekar,
age-40 yrs., Occup.- Household,
R/o Navjivan colony, Amravati,
Tq. Amravati, Dist. Amravati.

...Applicants.

-versus-

NIL.

... Non-applicant.

APPLICATION UNDER SECTION 372 OF INDIAN SUCCESSION ACT.

Advocate for applicants : Shri B. S. Shegokar.

JUDGMENT

(Passed on this 23rd day of November 2022)

1. This is an application filed by the applicants for grant of Succession Certificate under Section 372 of the Indian Succession Act, 1925. The applicants prayed to grant of Succession Certificate to receive the total amount of Rs. 3,75,000/-.

2. The applicants have claimed that Late Niranjana Mahadeo Pimpalkar died on 15/06/2022 at Shegaon. So also wife of deceased Sushilabai Niranjana Pimpalkar also died on 12.09.1996 at Andura, Tq. Balapur, Dist. Buldana. It is further claimed that applicant No. 1, 3 to 5 are daughter and applicant No. 2 is son of Late Niranjana Mahadeo Pimpalkar. As per applicants, they are only the legal heirs of aforesaid deceased. The applicants have claimed that deceased Niranjana Mahadeo Pimpalkar was service in the Panchayat Samiti, Shegaon and the total amount of Rs. 3,75,000/- is still laying with said Panchayat Samiti, Balapur, Dist. Akola and the Panchayat Samiti, Balapur has also withhold the amount of Rs. 3,75,000/-. According to applicants, they are Class-I legal heirs of deceased Niranjana Mahadeo Pimpalkar and the only successor to the amount lying with Panchayat Samiti, Balapur. With such submissions, the applicants have prayed this Court to issue Succession certificate in their favour.

3. As per direction of this Court, Public Notice was issued in Daily Newspaper "Lokopchar" dated 08/10/2022 and objection, if any, against the claim of applicant was invited. However, no one came forward and resisted the claim of applicant.

4. Considering above facts, following points arise for my determination and I record my findings with reasons as below :-

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Is the applicant entitled to obtain Succession Certificate as prayed ?	...Affirmative
2	What order and decree ?	... Application is allowed.

REASONS

As to Point No. 1 :-

5. Applicant Varsha Dhananjay Khakre has filed evidence-affidavit below Ex. 11. She reiterated all the contentions of main application. Rather, it is the replica of main application. In the affidavit (Exh.11), it is stated that deceased Niranjan Mahadeo Pimpalkar was permanent resident of Shegaon and he has died on 15/06/2022. It is further stated that the amount of Rs. 3,75,000/- of deceased Niranjan Mahadeo Pimpalkar is lying with Panchayat Samiti, Balapur have been withhold by it.

6. Further, in support of the application, the applicant has relied upon on the copy of public notice issued in daily newspaper "Lokopchar" dated 08/10/2022 at Ex.15. The applicants have also filed death certificate of deceased Niranjan Mahadeo Pimpalkar at Exh. 12 and death certificate of deceased Sushilabai Niranjan Pimpalkar at Exh.13. Heir ship certificate issued by Nagar Sevak, M.C. Shegaon at Exh. 14 and verified copy of their Aadhar Card and letter issued by B.D.O. Balapur along with list Form Exh.4. After considering the documents filed on record and the affidavit of Varsha (Exh.11), it appears that the applicants are the legal heirs of deceased Niranjan

Mahadeo Pimpalkar, who died on 15/06/2022, and the applicants are entitled for the benefits claimed through this application.

7. The public notice was published in daily newspaper “Lokopchar” at Ex. 15. The proclamation was issued below Ex. 8 for inviting the objections. However, in spite of public notice and proclamation, no one came forward and raised objection to the application. Therefore, considering the documents available on record and the evidence adduced by the applicants, I come to the conclusion that the applicants are entitled for the succession certificate for the purpose as prayed for. In the result, I pass following order:-

ORDER

1. The application is allowed.
2. Applicants are entitled to receive the total amount of Rs. 3,75,000/- equally which is lying with Panchayat Samiti, Balapur, Dist. Akola as per law.
3. The applicants are directed to pay requisite Court Fee Stamps for Succession Certificate as per rules.
4. Issue Succession Certificate accordingly.

Place : Shegaon.
Date : 23/11/2022.

Sd/-
(J.R. Ghadge)
Civil Judge Junior Division,
Shegaon, Dist. Buldana.

I, *K. S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.