

ORDER BELOW EXH-1

This application is presented by applicant for issuance of succession certificate vide Section 372 of Indian Succession Act, 1925.

02. It is submitted that, brother of the applicant, namely, Kashinath S/o. Baburao Lokhande was died on 30/10/2016 at Girwali Bavne. The applicant also submitted that wife of the deceased Kashinath S/o. Baburao Lokhande, namely, Sushila Kashinath Lokhande was died on 18/10/2010, whereas, his only son namely, Kalyan Kashinath Lokhande was died on 29/09/2014. Applicant further submitted that his mother, namely, Padminbai W/o. Baburao Lokhande was died on 10/04/2011. That, the applicant and his sister Hirabai are the only surviving legal heirs of the deceased Kashinath S/o. Baburao Lokhande. The applicants further submitted that, deceased Kashinath S/o. Baburao Lokhande was maintaining accounts in Bank of India, Br. Ambajogai, Dist. Beed. The details of the Bank Account therein is described as follows;

<u>Sr.No.</u>	<u>Name Bank</u>	<u>Account No .</u>	<u>Amount</u>
01.	Bank of Indian, Br. Ambajogai, Dist. Beed.	075310110008377	₹ 20,459=25

03. After death of Kashinath S/o. Baburao Lokhande, for getting the said amount, as legal-heirs, applicant has filed the present application.

04. There being no other side appeared to contest the status of the applicant, public notice was published in daily Newspaper “Dainik Ambajogai Warta” on 05/11/2022 prevalent in the locality, which is at Exh.08. However, despite of lapse of prescribed time, nobody appeared and raised objection to it till the date.

05. Perused the record, heard learned counsel for applicant. Following points arise for my determination to which I record my findings with reasons as under;

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
01.	Whether the applicant is entitled for succession certificate of Kashinath S/o. Baburao Lokhande, as prayed ?	... Yes
02.	What order ?	... As per final order.

:: REASONS ::

As to Points No.1 & 2:-

06. To fortify the claim, applicant has examined himself at Exh.09. In support of his ocular evidence the paper publication inviting the objections of other claimants, if any, is at Exh.08. The death certificate of deceased Kashinath S/o. Baburao Lokhande, Sushila Kashinath Lokhande, Kalyan Kashinath Lokhande and Padminbai W/o.

Baburao Lokhande are below list Exh.04. To support the claim applicants have also produced the copy of their Aadhar-cards, copy of Kutumb Maryada Pramanpatra and copy of Bank Passbook.

07. There being nobody to contest the application the evidences filed by the applicant gone unchallenged. Affidavit of evidence of applicant gone unshattered, which supports the contents of applicant. It is also pertinent to note that relationship between the deceased and the applicant is also not in dispute, as nobody appeared and raised objection to the application. However, Sushila Kashinath Lokhande wife of the deceased, Kalyan Kashinath Lokhande son of the deceased and Padminbai W/o. Baburao Lokhande mother of the deceased are already died who falls under Class-I heirs, therefore, in absence of Class-I heir, the brother Rambhau S/o. Baburao Lokhande and sister Hirabai W/o. Manikrao Popalghat of the deceased being Class-II heirs are entitled to be recognized as legal heirs of deceased Kashinath S/o. Baburao Lokhande. Resultantly, Having been adhered to the factual strata before me I answer point No. 1 in affirmative and in answer to point No. 2, I reckon to pass following order;

:: ORDER ::

- 01.** Application is allowed.
- 02.** Issue succession certificate in the name of applicant Rambhau S/o. Baburao Lokhande and Hirabai W/o. Manikrao Popalghat, as per Section 372 of the Indian Succession Act.

Civil M.A. 652/2022.
Rambhau & others V/s Nil.

CNR No : MHBI060020602022.
Order Below Exh. 1

03. Court fees shall be payable as per Article XII
of Bombay Court Fees Act.

Place : Ambajogai.
Date : 17/12/2022.

(Z. Z. Khan)
Jt. Civil Judge (Junior Division),
Ambajogai (MHBI06-2196)

:: Certificate of Stenographer ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 17/12/2022.

Transcribed On : 17/12/2022.

Checked & Signed On : 17/12/2022.

Date : 17/12/2022.
Place : Ambajogai.

Sd/-
(Sachin S. Gupta)
Stenographer (Grade – 3)
Jt. C.J.J.D. & J.M.F.C., Ambajogai.