

IN THE CITY CIVIL COURT, AT AHMEDABAD
CIVIL MISCELLANEOUS APPLICATION NO.59 OF 2023

Applicants:

HEIRS OF DECEASED DRAUPADIBEN JANARDAN BHATT

1 YOGINIBEN WIDOW OF LATE AJAYBHAI JANARDANBHAI
BHATT AND DAUGHTER OF HARIPRASAD PATHAK

2 DHARANI MANDIP VYAS DAUGHTER OF LATE AJAYBHAI
JANARDANBHAI BHATT

BOTH ARE RESIDENT OF : A/202, AMBAWADI APPARTMENT,
NR. HIRABAUG CROSSING, AMBAWADI, AHMEDABAD-380006

Appearance:

Mr. J V GOR, learned Advocate for the applicants.

J U D G M E N T

1. This petition has been filed by the present applicants who are legal heirs of Late Mrs. Draupadiben Janardan Bhatt (W/o. Janardan Bhatt and Daughter of Ambalal Oza) for obtaining succession certificate under section 372 of The Indian Succession Act, 1925, regarding valuables lying in locker no.1487 at Central Bank of India, Raipur Chakla Branch, running in the name of Late Mrs. Draupadiben Janardan Bhatt of who died on 05/03/2009. It is submitted that the applicant no.1 is a daughter-in-law and the applicant no.2 is a granddaughter of Late Mrs. Draupadiben respectively. It is further submitted that the applicant no.1 got married with Ajay Janardan Bhatt (son of deceased Draupadiben) and from this marriage one daughter namely Dharani (Daughter of Ajay Janardan Bhatt and W/o. Mandip Vyas) was born who is the applicant no.2 herein. It is further submitted that deceased Draupadiben got married with Janardan Vasudev Bhatt and from this marriage one son namely Ajay Janardan Bhatt (husband of applicant no.1 herein and father of applicant no.2 herein) and one daughter namely Falguni Janardan Bhatt were

born. It is further submitted that husband of the applicant no.1 i.e. Ajay Janardan Bhatt died on 19/05/2009 at Ahmedabad and Falguni Janardan Bhatt died on 09/12/1988 at Ahmedabad who was unmarried. Therefore, there are no other living legal heirs of deceased Draupadiben. It is further submitted that husband of Draupadiben i.e. Janardan Bhatt died on 26/04/1996 at Ahmedabad. It is further submitted that the applicants herein recently came to know that deceased Draupadiben was having locker bearing no.1487 in Central Bank of India, Raipura Chakla Branch, Ahmedabad, wherein nominee was not mentioned, therefore, the bank authorities require succession certificate, and hence, the present application.

2. This is an uncontested petition.
3. The public notice at the cost of the present applicant was published in daily newspaper "Sandesh" vide Exh.11 though none appeared in response of the public notice.
4. The applicant has produced true copy of various receipts of safe deposit vault issued by Central Bank of India vide Exh.31 wherein name of deceased Draupadi A. Oza as well as locker no.1487 are mentioned. Further, pedigree of the applicant vide Exh.30 is produced wherein on page 2 it is mentioned that deceased Draupadiben W/o. Janardan Vasudev Bhatt has only two living legal heirs i.e. Yogini W/o. Ajay Bhatt and Dharni Daughter of Ajay Bhatt, the applicants herein. The applicant has also produced death certificates of deceased Draupadi Janardan Bhatt, deceased Janardan Vasudev Bhatt, deceased Ajaybhai Janardan Bhatt as well as deceased Falguniben Janardan Bhatt vide Exhs.23, 24, 25 & 26 respectively.

5. I have heard the arguments of the Ld. Advocate for the applicant and perusing the record and proceedings and in light of the affidavit of the present applicant, it appears that late Mrs. Draupadiben was mother-in-law of the present applicant no.1 and grandmother of the present applicant no.2. It further transpires that deceased Draupadiben and her husband Janardan Vasudev Bhatt had two children, one son Ajay who died on 19/05/2009 and one daughter Falguniben who was unmarried died on 09/12/1988. It also transpires that the present applicant got married with Ajay Janardan Bhatt and they are having one daughter Dharani Ajay Bhatt. Except for the present applicants no one claimed himself / herself as legal heirs of the deceased Draupadiben Janardanbhai Bhatt. There is no objection from the public at large even public notice was issued.
6. Further, a court commission of inventory of locker no.1487 of Central Bank of India, Raipur Chakla Branch, Ahmedabad, was carried out and Schedule of the Inventory is placed on record at Exh.1 which is produced by Ld. Advocate for the applicants.
7. In above facts and circumstances, this case is the fit case to issue the succession certificate in favour of the present applicant with regard to the valuables lying in locker no.1487 at Central Bank of India, Raipur Chakla Branch, Ahmedabad, as described in 'Schedule' produced by Ld. Advocate for the applicants and kept with Exh.1, running in name of Late Draupadiben W/o. Janardan Bhatt and Daughter of Ambalal Oza i.e. mother-in-law of the applicant no.1 and grandmother of the applicant no.2. Therefore, this application deserves to be allowed. Accordingly, following final order has been passed,

:: O R D E R ::

1. The present application C.M.A. No. 59 of 2023, is hereby, allowed.

2. It is hereby ordered that necessary succession certificate be issued as per 'Schedule' produced by the Ld. Advocate for the applicant and kept with Exh.1 which is running in the name of Late Draupadiben W/o. Janardan Bhatt and Daughter of Ambalal Oza i.e. mother-in-law of the applicant no.1 and grandmother of the applicant no.2 in favour of the present applicants subject to following conditions.
3. The Succession Certificate be issued on the Court Fees of the values of the securities on the date of issuing the certificate.
4. The applicant has produced Rs.75,000/- for Court Fees and if any more Court Fees is required it shall be produced by the petitioner within 15 days and if any surplus is found the appropriate amount be refunded to the applicant.
5. The necessary process for issuing succession certificate be followed.

Pronounced in the open Court on **12th** Day of **February, 2024**

Date: 12.02.2024
Place: Ahmedabad

(Amitkumar J. Kanani)
Aux. Chamber Judge, Court No.15
City Civil Court, Ahmedabad.
Unique ID GJ00662