

KAUK220002002022



Presented on : 08-07-2022
Registered on : 11-07-2022
Decided on : 01-00-2022
Duration : 0 years, 2 months, 24 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE AT
ANKOLA**

Dated this the 1st day of October 2022

PRESENT :

Sri MANOHARA M.
LL,M
Senior Civil Judge, Ankola.

P & SC No.6/2022

PETITIONER: Mr. Ganesh Ratnakar Naik,
Aged 32 years, Occ: Private work,
R/o: # 20, Kerekante, Laxmeshwar,
Ankola Taluk, Uttara Kannada

(By Sri S.S.B, Advocate)

Vs

RESPONDENT: Nil

O R D E R

The petition is filed for grant of succession certificate in his favour to collect the amount with

interest due in the EMPLOYEES' PROVIDENT FUND ORGANISATION and such other relief.

2. Brief facts of the case is as under:-

The petitioner is residents of No.20, Kerekante, Laxmeshwar, Village of Ankola Taluk, Uttara Kannada District. He is the only legal heirs of deceased Mohan Ratnakar Naik, and his parents. His parents are Shri Ratnakar Naik, and Smt, Sakubai Ratnakar Naik who had died earlier. Their unmarried Son and his younger brother namely SHRI MOHAN RATNAKAR NAIK died on 10-02-2021, at Kerekante, Laxmeshwar, Ankola, due to Heart Attack who was a bachelor. He is the only surviving legal heirs of the deceased MOHAN RATNAKAR NAIK. The deceased Mohan Ratnakar Naik, had employed in Sea bird Project, Navel base, Arga, Karwar, and he was a member of Employee's Provident Fund Organisation with Shivashakti Security Agency ID NO, GBHBL0050149000 office At Hubli, and Member of Pass Book ID No,GBHBL00501490000010575/Mohan Ratnakar Naik. UAN 101168668112. As per the said Pass Book calculated amount with interest updated up to 31-03-2021, the employee's share Rs,62,527-00 and employer share Rs.18,754-00, and Pension Contribution Rs.37,371-00. Therefore, the total amount is Rs.1,18,652-00 (Rupees One Lakh Eighteen

Thousands only). After the demise of said Sri Mohan Ratnakar Naik, he approached the Manager, EMPLOYEES' PROVIDENT FUND ORGANISATION Hubli office at Hubli for the claiming the money. In reply they have directed him to produce the Succession Certificate issued by the Competent Court to claim the said amount. Hence, this petition is filed.

3. In spite of publication of notice of institution of petition having been made in Karavali Munjavu daily news paper dated 26/07/2022 no persons interested in petition claim have appeared.

4. Petitioner has examined himself as P.W.1 and got marked Ex.P.1 to P.8.

5. Heard the counsel for petitioner.

6. The following points arise for my consideration:-

1. Whether the petitioner has proved that he being only legal heir of deceased Late Shri Mohan Ratnakar Naik has succeeded to the schedule amounts?

2. Whether the petitioner is entitled for succession certificate as prayed for?

3. What order?

7. My answer to the above points are as under:-

Point No.1 : In the affirmative

Point No.2 : In the affirmative

Point No.3 : As per the final order for
the following:

REASONS

8. **POINT No.1 and 2:-** These points are inter related. Hence, they are taken-up together for my discussion. The P.W.1 has reproduced the avernments of petition in examination in chief stating that his parents are Shri Ratnakar Naik, and Smt, Sakubai Ratnakar Naik who had died earlier; their Unmarried Son and his younger brother namely SHRI MOHAN RATNAKAR NAIK died on 10-02-2021, at Kerekante, Laxmeshwar, Ankola, due to Heart Attack who was a bachelor; he is the only surviving legal heirs of the deceased MOHAN RATNAKAR NAIK; the deceased Mohan Ratnakar Naik, had employed in Sea bird Project, Navel base, Arga, Karwar, and he was a member of Employee's Provident Fund Organisation with Shivashakti Security Agency ID NO, GBHBL0050149000 office at Hubli, and Member of Pass Book ID No.GBHBL00501490000010575/Mohan Ratnakar Naik UAN 101168668112; as per the said Pass Book calculated amount with interest updated up to 31-03-2021, the employee's share Rs.62,527-00 and employer share Rs.18,754-00, and pension contribution Rs.37,371-00; therefore, the total amount is Rs.1,18,652-00 (Rupees One Lakh Eighteen Thousands only); after the demise of said Sri Mohan

Ratnakar Naik, he approached the Manager, EMPLOYEES' PROVIDENT FUND ORGANISATION office at Hubli for the claiming the money; in reply they have directed him to produce the Succession Certificate issued by the Competent Court to claim the said amount.

9. The Ex.P.1 is the death certificate of Mohan Ratnakar Naik which says that he is son of Ratnakar Naik and Sakkubai Ratnakar Naik and he died on 10/02/2021. The Ex.P.6 is the surviving family members certificate issued by Deputy Tahasildar Ankola which discloses that the petitioner, being the elder brother of deceased Mohan Ratnakar Naik is the surviving member of the family. The Ex.P.7 is the Adhar card of petitioner. The Ex.P.8 is the News Paper Karavali Munjavu dated 26/07/2022 which discloses that the filing of this petition has been published in the said news paper. But no interested persons is appeared to contest this petition. The above discussed documents clearly proved that the Mohan Ratnakar Naik died and petitioner is surviving legal heir of said Mohan Ratnakar Naik.

10. The Ex.P.2 to P.5 are the member passbook of employees provident fund organization of Mohan

Ratnakar Naik for the year 2017-18, 2018-19, 2019-20 and 2020-21 which shows that the employee share is Rs.62,527/- employer share Rs.18,754/- and pension contribution is Rs.37,371/- in the year 2020-21. The evidence of P.W.1 and above documents established that in the provident fund account of the deceased Mohan Ratnakar Naik Rs.1,18,652/- is outstanding.

11. In the absence of evidence to contrary the version of petitioner that his parents died intestate and he being the sole legal heir of his brother has succeeded to the schedule property, is to be believed. He, being class-II legal heir, is entitled to succeed to the schedule property in terms of Section 8 of Hindu Succession Act. Therefore, petitioner, being sole legal heir, having succeeded to the suit schedule property is entitled to claim petition schedule property amount. Wherefore, the petitioner is entitled for grant of succession certificate to claim the amount detailed in the schedule. Hence, , I answer the points No.1 and 2 in the affirmative.

12. **POINT No.3:-** In the result, I proceed to pass the following:

ORDER

Petition filed under Section 372 & 373 of Indian Succession Act, is hereby allowed.

**Office to issue Succession
Certificate in favour of
petitioner to claim schedule
property after collecting
necessary fee.**

(Dictated to the Stenographer, transcribed by him,
transcription corrected by me and then pronounced in
the open court on 1st October 2022)

(MANOHARA M.)

Senior Civil Judge, Ankola

A N N E X U R E

List of witnesses examined on behalf of Petitioner:

P.W.1. : Sri Ganesh Ratnakar Naik

List of witnesses examined on behalf of Respondent:

-NIL-

List of documents marked on behalf of Petitioner:

Ex.P.1 - Death certificate of Mohan Ratnakar Naik

Ex.P.2 to P.5 - Member passbook of employees
provident fund organization

Ex.P.6 - Surviving family members certificate

Ex.P.7 - Adhar card of petitioner

Ex.P.8 - News Paper Karavali Munjavu dated 26/07/2022

Ex.P.8(a) - Publication of this case in it

List of documents marked on behalf of Respondent:

-NIL-

(MANOHARA M.)

Senior Civil Judge, Ankola

