



Received On : 02.08.2025

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Decided On : 22.06.2026

Duration : Y M D

**IN THE COURT OF ADDITIONAL SENIOR CIVIL
JUDGE, PRANTIJ**

Civil Miscellaneous Application No. 20/2025
Exh.

Solanki Balabhai Kahyabhai

Aged about : 56 years,

Resi. of : Moyad Nathaji,

At & Po.: Moyad, Ta.: Prantij,

Dist.: Sabarkantha.

... Applicant

Vs.

Aartiben D/o. Kalabhai Karshanbhai Parmar

W/o. Kamleshkumar Balabhai Solanki

Aged about adult, Occupation : Household,

Resi. of : Vaghpur, Ta.: Prantij,

Dist.: Sabarkantha.

... Opponent

Advocate : -

Ms. P. D. Suthar, Ld. Adv. for the applicant.

Opponent appeared in person.

**Subject : Application for succession certificate under
Section 372 of Indian Succession Act, 1925.**

- : Judgment – :

1. The applicant has filed the present application to obtain Succession Certificate in respect of PF amount of the deceased Solanki Kamleshkumar Balabhai.

2. The short facts of this application are as under : -

That applicant and opponent are direct legal heirs of the deceased Kamleshkumar Balabhai Solanki. That son of the applicant and husband of the opponent deceased Kamleshkumar Balabhai Solanki is died on 07/11/2021 and after his demise, parties are legal heirs of the deceased Kamleshkumar Balabhai Solanki. That after demise of the deceased Kamleshkumar, the opponent had got second marriage with Vishal Dinubhai Rathod hence she is not heir of the deceased Kamleshkumar Balabhai Solanki. That deceased Kamleshkumar Balabhai Solanki was working in IDBI Bank, Prantij and he had Provident Fund Account No.GJ/1420300/14329. That PF amount has been deposited in the name of the applicant's son, deceased Kamleshkumar Balabhai Solanki from Employees Provident Fund Account No.GJ/1420300/14329. That wife of deceased is his

direct heir but she got remarried and after her remarriage, the applicant should get whatever money comes from said Employees Provident Fund and the opponent has executed written deed on Rs.300/- stamp paper on 22/07/2024 wherein she has stated that she has not objection if the amount is to be given to the applicant. Hence the applicant has prayed for grant of Succession Certificate in respect of the PF amount of the deceased Kamleshkumar.

3. In pursuance to the general notice published in newspaper "Sandesh" on 19/12/2025 vide Exh.24, no objections against the present application have forthcome.

That the opponent has produced pursis vide Exh.15 wherein she has stated that she has no objection, if the certificate be issued in favour of the applicant.

4. To prove the present application, the applicant herein has produced oral & documentary evidences. That applicant has produced his affidavit of chief examination vide Exh.17. That the applicant has produced certified copy of marriage certificate of opponent vide Exh.19, Certified copy of death certificate of Solanki Kamleshkumar vide Exh.20, Certified copy of pedigree vide Exh.21, Copy of understanding agreement vide Exh.22, Certified copy of pay slip of deceased Kamleshkumar vide Exh.23, notice published in 'Sandesh' newspaper vide Exh.24.

5. Learned advocate for the applicant has produced closing pursis vide Exh.25.

6. I have perused the pleadings of the parties as well as documentary evidence and material on record. I have taken in regard the submissions advanced before me by the learned advocate for the applicant. In the present case, applicant - Solanki Balabhai Kahyabhai has filed his affidavit of chief examination at Exh.17 wherein he has reiterated more or less facts averred in the application at Exh.1, and, therefore, repetition of the same has been avoided here. Since the assertions made in the application as well as the present examination on affidavit have gone uncontroverted, there is no reason to disbelieve them. Moreover, opponent has filed her pursis vide Exh.15 wherein she has given her consent for giving succession certificate as prayed in the petition and the applicant has produced understanding agreement vide Exh.22 executed between the applicant and the opponent hence it transpires that the opponent has no objection if the succession certificate granted in favour of the applicant.

7. Moreover, considering the Pedhinama issued by Talati-Cum-Mantri, Moyad Gram Panchayat, Ta.: Prantij, Dist.: Sabarkantha vide Exh.21, there are no any other heirs except applicant & opponent and the opponent has given her consent for giving succession certificate as prayed in the petition. So, I have no hesitation to accept oral and documentary evidence which are produced in support of applicant's application and hence I believe that applicant has proved his facts of the application. In view of my above discussions, I have no reason to discard the documentary evidence adduced by the applicant as well as the oral evidence of the applicant. In the result, I hold that the

applicant is entitled to get Succession Certificate in his favour in respect of the PF amount of deceased Kamleshkumar Balabhai Solanki from Employees Provident Fund bearing Account No.GJ/1420300/14329. In the result, I pass the following final order.

:-Order:-

This application is hereby allowed.

The Succession Certificate will be issued in favour of the applicant in respect of the PF amount of deceased Kamleshkumar Balabhai Solanki from Employees Provident Fund bearing Account No.GJ/1420300/14329 on production of requisite court fee stamps.

Pronounced in the open Court today on this 22th the day of June, 2026.

Date : 22/06/2026

Place : Prantij

K_J_P

(S. M. Shukla)
(Judge Code No. GJ01383)
Additional Senior Civil Judge,
Sabarkantha at Prantij.