

ORDER BELOW EXH. 01 IN CIVIL MISC. APPLICATION
NO. 401/2018

1. This application is filed for grant of Succession Certificate.

2. The applicants have sought issuance of Succession Certificate as per section 372 of the Indian Succession Act through this application.

3. It is averred by the applicants that applicant Nos. 1 to 4 are the children of Devidas Gopal Kamble. He died on 15.10.2016 at Solapur. Their mother Arundhati died prior to death of their father i.e. on 13.11.1996. Deceased Devidas was serving as Head Master in Siddheshwar Prashala Marathi Medium, Solapur. During his lifetime, he had invested various amounts in the banks. An amount of Rs.9,36,541/- is in balance in account No. 070412100002662 in Bank of India, branch South Sadar bazar, Solapur. He had kept an amount of Rs.70,000/- in fixed deposit in Solapur Zilha Madhyavarti Sahakari Bank Maryadit, Siddhardh branch, Solapur having receipt No. 448945. An amount of Rs.4,37,221/- is in balance in account No. 0983358329 in Indian Post, Head Post Office, Solapur. The applicants being legal heirs of deceased Devidas Gopal Kamble are entitled to receive succession certificate for the said amounts. Hence, this application.

4. In view of nature of the application, paper publication has been directed. Accordingly, it was published in daily Vishwa Samachar in its edition dated 25.10.2018. Though by the said publication, objections were invited from the public at large for

issuance of succession certificate in the name of the applicants, no objections forthcoming. The citation was also published vide Exh. 08.

5. Notice of this application was served on the opponent, but nobody appeared. Hence, the application proceeded ex parte against the opponent.

6. From the pleadings of the applicants, following points arise for my determination. Those points along with my findings thereon with reasons are as under:

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the applicants are entitled to get succession certificate?	... Yes.
2.	What order?	... As per final order.

REASONS

6. In support of their contentions, the applicant No.4 filed her affidavit of examination in chief at Exh.12, the applicant No.1 has filed his affidavit of examination in chief at Exh.13, the applicant No.2 has filed his affidavit of examination in chief at Exh.14 and the applicant No.4 has filed her affidavit of examination in chief at Exh.15. They have filed on record the death extract of their mother Arundhati at Exh.17, Pass book of Bank of India at Exh.18, Original receipt of fixed deposit of Solapur Zilha Madhyavarti Sahakari Bank Maryadit, Solapur at Exh.19, Pass book of Post office at Exh.20, Letter received from Bank of India at Exh.22, verified copy of ration card and copies of concerned pages of Government gazette at Exhs.4/7 to

4/10. .

7. The applicant Nos. 1 to 4 have reiterated the contents of their application. They have deposed that, their father Devidas died on 15.10.2016. During his lifetime, he had deposited amounts with banks and post office. The details of the same are as below.

Sr. No.	Particulars	Name of the Bank	Amount (in Rs.)
1.	Saving account No.070412100002662	Bank of India, South Sadar Bazar branch, Solapur	9,36,541/- alongwith interest.
2.	Fixed Deposit Receipt No. 448945	Solapur Zilha Madhyavarti Sahakari Bank Maryadit, Siddharth branch, Solapur	70,000/- alongwith interest.
3.	Account No. 0983358329	Indian Post, Head Post Office, Solapur	4,37,221/- alongwith interest.

8. The applicants have also contended that, they have changed their names. In support of this contention, they have filed on record the copies of extract of relevant pages of Government Gazettes at Exh.4/7 to 4/10. The said copies show that, the applicants have got changed their names and their changed names are published in Government Gazette. They contended that, after death of Devidas on 15.10.2016, they being his only legal heir, are entitled for the succession certificate for the above amounts. The applicant Nos.1 to 3 have contended in their affidavits of examination in chief that, the succession certificate be given in the name of the applicant

No.4 only and they have no objection for the same.

9. Considering the evidence led by the applicants, it is clear that, as per the provisions of Hindu Law the applicants are the legal heirs of deceased Devidas Gopal Kamble. The death extract of Devidas (Exh. 22) shows that, he died on 15.10.2016. The death extract of their mother Arundhari (Exh.17) shows that she died on 13.11.1996. The pass book of Bank of India and Indian Post Office and the receipt of fixed deposit of Solapur Zilha Madhyavarti Sahakari Bank Maryadit, Siddhardh Branch Solapur shows that the amounts as mentioned in the above statement are in balance in the name of deceased Devidas. The applicants have contended that, the succession certificate be issued in their name for the said amounts. The applicant Nos.1 to 3 have contended that, the succession certificate be issued in the name of applicant No.4 only and for that they have no objection. Thus the applicants are entitled to the prayer sought. Therefore, it will be just and proper to grant succession certificate in the name of applicant No. 4. I, therefore answer point No.1 in the affirmative. In answer to point No.2 I pass the following order.

ORDER

1. The application is allowed..
2. The applicant No.1 Sanjay Devidas Jaykar, applicant No.2 Rutvik Devidas Jaykar, Applicant No.3 Sau. Aditi w/o Maruti Lingayat and applicant No.4 Sau. Rujuta w/o. Swapnil Devhare are hereby declared as legal heirs of deceased Devidas Gopal Kamble.
3. Issue the succession certificate in the name of applicant No. 4 for the amounts as mentioned in para No.7 of this

order lying with Bank of India South Sadar Bazar branch Solapur, Solapur Zilha Madhyavarti Sahakari Bank Maryadit, Siddharth branch at Solapur and Indian Post Office, Head Post Office, Solapur. The succession certificate be issued in her name after payment of necessary court fee as per rule.

Date : 01.07.2019

(**R. V. Mohite**)
Civil Judge Sr. Division, Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment.

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| (a) | Name of the Stenographer | : S. S. Shekhadar |
| (b) | Court | : Civil Judge Sr. Division,
Solapur. |
| (c) | Order signed by P.O. on | : 01.07.2019 |
| (d) | Order uploaded on | : 02.07.2019 |