

MHKO020000132024



Filed on : 01.01.2024

Regd on : 06.01.2024

Decided on : 12.06.2024

Duration : 00Y 05M 11D

IN THE COURT OF 8th JT. CIVIL JUDGE (S.D.), KOLHAPUR
AT KOLHAPUR

(Presiding Officer S.S.Ingle)

Civil Misc. Application No. 12/2024

Exh. No. :-

- 1] **Sou. Jyoti Tejas Chaukiyal,**
Age 40 years, Occ : Household,
Residing at : 2014, 'D' Ward,
Burud Galli, near Piwalya Wada,
Shukrawar Peth, Kolhapur
416002
- 2] **Kum. Sayali Surykumar Khade,**
Age 28 yrs, Occup. :- Service,
R/o. As above.
- 3] **Smt. Shamala Surykumar Khade,**
Age – 63 yrs, Occup. :- Household,
R/o as above.
- 4] **Smt. Tejswini Dipak Khade,**
Age 43 yrs, Occup. :- Household,
R/o. As above.
- 5] **Smt. Lata Surykumar Khade,**
Age 55 yrs, Occup. : Household,
R/o. as above.

... **Applicants**

Vs

Nil

... **Respondent**

**APPLICATION FOR GRANT OF
SUCCESSION CERTIFICATE.**

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Advocate Shri. U. A. Mujawar for the applicants

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JUDGMENT

(Delivered on 12.06.2024)

1. This is an application filed by the applicants, as per Section 372 of Indian Succession Act for issuance of Succession Certificate. It is contended that, husband of applicant No.3 and 5 and father of applicant No.1, 2 and father-in-law of applicant No.4 namely Surykumar Dnyandev Khade died on 13/10/2022. The saving Amount of Rs.3,05,644/- is balanced in the name of deceased Surykumar Dnyandev Khade in The Federal bank Ltd. Branch- Samant Tower, Ford Corner, Laxmipuri, Kolhapur. The applicants are only legal heirs of the deceased. There is no any other legal heir to the deceased except the applicants. Hence, they have filed this application for issuance succession certificate. They are legal heirs of deceased, therefore, entitled for received said amount. Hence, requested to issue Succession Certificate.

2. By considering the contention in this application, public notice issued in the Local newspaper namely "Navsandes" dated 12.03.2024 and called objections. But within prescribed period nobody have raised the objection about the claim of the applicants. The proclamation is also issued and called objection, but till today nobody approached to this court. Hence,

the application proceed further and fixed for evidence.

3. The applicants adduced their evidence by filing claim affidavit of at Exh.10. They have filed copy of Death certificate Surykumar Dnyandev Khade at Exh.13 and copy of Death certificate Dipak Surykumar Khade at Exh.14. They have filed copy of saving account passbook in the name of Surykumar Dnyandev Khade along with list Exh.3. They have also filed original passbook in the name of Surykumar Dnyandev Khade and true copy of Adhar card of applicants, copy of newspaper at along with list Exh.12 and closed evidence by filing purshis at Exh.15.

4. In the evidence of applicants, it is brought on record that, husband of applicant No.3 and 5 and father of applicant No.1, 2 and father-in-law of applicant No.4 namely Surykumar Dnyandev Khade died on 13/10/2022. The saving Amount of Rs.3,05,644/- is balanced in the name of deceased Surykumar Dnyandev Khade in The Federal bank Ltd. Branch- Samant Tower, Ford Corner, Laxmipuri, Kolhapur. The applicants are only legal heirs of the deceased. There is no any other legal heir to the deceased except the applicants. Hence, they have filed this application for issuance succession certificate. They are legal heirs of deceased, therefore, entitled for received said amount. Hence, requested to issue Succession Certificate.

5. In the present matter, public notice issued in the local newspaper “Navsandesh”, dated 12.03.2024, but within prescribed period nobody raised the objection about claim of the applicants. Copy of said public notice filed on record. Copy citation notice is also filed on record at

Exh.6. All the document filed on record corroborates to the oral evidence of the applicants. As nobody raised objection the entire testimony and version of sole applicants witness have gone unchallenged and unshaken.

6. As per section 134 of Evidence Act, “no particular number of witnesses are required for proving any fact”. Evidence is to be weighed and not measured. Therefore, if the evidence of solitary witness appears to be truthful and is free from any sort of discrepancies then there is no reason to discard such testimony.

7. In the present case, evidence of sole applicant witness has gone Un-controverted and unchallenged. As it is duly corroborates by documentary evidence, it is free from any discrepancies. Therefore, I have no hesitation to place reliance upon the same and conclude that, the applicants are the only successor of deceased Surykumar Dnyandev Khade to withdraw above mentioned amount. Under such circumstances, I think, it is just and proper to issue succession certificate in the name of the applicants to withdraw and to receive the above mentioned amount together with interest if any. However, as a matter of caution the applicants are also required to be directed to furnish security for the said amount. Hence, I proceed to pass following order.

Order

- i. Application is allowed in the following manner.
- ii. Issue succession certificate in the name of the applicants authorizing them to withdraw/receive amount of Rs.3,05,644/- (Three Lakh Five Thousand Six Hundred Forty-Four only) along with interest if any, which is

described in para No.4 of this application standing in the name of deceased Surykumar Dnyandev Khade.

- iii. Succession certificate be issued after execution of indemnity bond of Rs.3,10,000/- (Rupees Three Lakh Ten Thousand only) and on payment of requisite court fees.

Date :- 12/06/2024

(S. S. Ingle)
8th Jt. Civil Judge, Sr. Dn.,
Kolhapur.