

MHPU020030562025

Civil M. A. 766/2025



Sunilkumar Shamlal
Chinaliya & ors.
Vs
Nil

ORDER BELOW EXH.1

1. The present application is filed by applicants for grant of Succession Certificate in their names.

2. It is submitted that, applicants are praying for certificate to succeed the movable properties of late Mr. Arun Shamlal Chinaliya who died intestate on 29/05/2024 at Sasoon General Hospital, at Pune. That applicants are real brothers of deceased Late Mr. Arun Shamlal Chinaliya. That deceased Mr. Arun Shamlal Chinaliya was employed as a 'Sweeper' in the Hon'ble Civil Court Pune. He was having a joint family along with his wife Late Smt. Anita Arun Chinaliya and present applicants. Applicant submits that out of the said wedlock between Smt. Anita Arun Chinaliya deceased Mr. Arun Shamlal Chinaliya begot no child. Applicant submits that, mother of the applicants and deceased Mrs. Shantidevi Shamlal Chinaliya who died by the year approximately 1988-1989 when applicant No.2 was only 2 years old. Applicants states that, wife of deceased Smt. Anita Arun Chinaliya died on 10/12/2020 prior to the death of the deceased Mr. Arun Shamlal Chinaliya. Applicants states that, father of the deceased Mr. Shamlal Nanak Chinaliya died 29/05/2005.

3. Applicants reiterate that, deceased Mr. Arun Shamlal Chinaliya died intestate on 29/05/2024 leaving behind him only applicants as his legal heirs. That applicants have prayed for the succession certificate claiming all those properties and claim inherited by them from their predecessor and applicants have filed this application to facilitate applicant's legal claim. Applicants humbly says that, Applicant was serving in Civil Court, Pune at the designation as 'Sweeper' his date of joining was 06/12/2007 and at the time of his death 7th Pay Commission was made applicable to him. Applicants have bonafide belief that, amount of gratuity, provident fund is applicable to the deceased. Further more deceased left with some movable properties as follows:

A)

Sr. No.	Name of the Bank	A/c No.	Amount in Rs.
1	State Bank of India, Branch Shivajinagar Court Baillif Room	20481405942	Not known

4. Applicants humbly says that, applicants have no knowledge about the amount lying in the Movable Property Clause No. 10(A). That deceased was the permanent resident of S.No. 164, Near Balaji Supar Market, Rajeev Gandhi Nagar, Gurudwara Ward No.19, Lohagaon, Pune City Pune-411047. That the particulars of the amount of money which deceased Arun was entitled benefit with his employer i.e. Civil Court. That those applicants have no idea to

claim the exact amount from the said employer. Applicants prays Hon'ble Court to direct Court Officer to produce before this Hon'ble Court amount and other benefits including gratuity, PF, and pension benefits which deceased Arun was entitled to get from his employment. Applicant humbly states to submit that they have no knowledge of exact amount to be claim for succession. Hence applicants are unable to pay required Court Fee today. Applicant undertake to pay the Court fee on determination of amount to be claimed under the present certificate.

5. It is further stated that the deceased person lastly resided at S.No. 164, Near Balaji Supar Market, Rajeev Gandhi Nagar, Gurudwara Ward No.19, Lohagaon, Pune City Pune-411047. He died at Pune, within the local jurisdiction of this Hon'ble Court. Applicant is residence of Lohegaon Tal- Haveli, Dist- Pune and hence this Hon'ble Court have jurisdiction to try and entertain the present application and have jurisdiction to order to issue the succession certificate as prayed for. That applicant further prays this Hon'ble court that applicant may be permitted to pay the Court fee while issuing certificate as prayed for. It is finally prayed that, application may kindly be allowed, that the succession certificate in the name of the applicants in resect of the movable properties mentioned in clause No.10(A) may kindly be issued. Any other relief which may deem fit in the interest justice and equity may kindly be granted.

6. A citation notice by publication was issued. It was published in daily 'Punyanagari', Pune on 08.05.2025. In spite of publication and promulgation of notice, no one came forward to challenge the claim of applicants.

7. On behalf of applicant, Applicant No. 2 Sanjaykumar Shamlal Chinaliya had filed evidence affidavit at Exh.12. The said affidavit is unchallenged on record. In support of their contentions applicants also filed documentary evidence i.e. Exh.14-Original employment ID Card, Exh.15- Salary Slip for the month August - 2019 of deceased Mr.Arun Shamlal Chinaliya, Exh.16- Death Certificate of Mrs. Anita Arun Chinaliya, Exh.17- Death certificate of Mr.Shamlal Nanak Chinaliya, Exh.18- Death Certificate of Mr.Arun Shamlal Chinaliya and Exh.21- copy of Pass Book of Deceased Arun Chinaliya. Lastly, applicants filed evidence closed pursis at Exh.22.

8. The learned Advocate for applicants Adv. Ganesh Arjun Ranadive argued that, the publication to call the objection (if any) had been already published in daily newspaper 'Punyanagari', Pune on 08.05.2025. He further submitted that, after the publication as such, nobody has raised any objection within the period prescribed mentioned therein. Further the applicant No.2 by filing evidence affidavit at Exh.12 had reiterated the same facts mentioned in the application. It is to be noted that since the date of publication and during the period specified therein, even till this date nobody has

raised any objection regarding the claim of the applicants. The facts pleaded in the application and the affidavit of applicant No.2 Exh.12 remained unchallenged and unresisted. In view of the affidavit of applicant No.2 coupled with the documentary evidence on record, the claim of the applicants remained unchallenged. Thus, in the light of unchallenged claim supported by unchallenged evidence of applicant No.2 it is quite clear that, the applicants are the Class-II heirs of deceased Arun Shamlal Chinaliya as per the provisions of Section 8 and Schedule II to Hindu Succession Act, 1956 and entitled to claim the Succession Certificate. Hence, in view of above observations and discussions made I proceed to pass the following order in the interest of justice:

ORDER

- 1) Application is allowed as under:-
 - A) Issue Succession Certificate in favour of applicants with respect to:- **State Bank of India, Branch Shivajinagar Court, Pune bearing account no. 20481405942 in which at present the amount of Rs.1,55,347/- is lying in the said account in the name of deceased Arun Shamlal Chinaliya along with interest if any accrued till the date of present petition** as per Schedule VIII to the Indian Succession Act 1925, on accepting requisite Court fees stamp as per Schedule I, Rule 10 and 11 of Maharashtra Court Fees Act. That prior to issuance of Succession Certificate the applicants are directed to produce the recent statement of account of aforementioned bank

account of the deceased till the date of filing of present petition before the A. S. of this Court for calculation of the Court fees.

- B) The Concerned Officers of State Bank of India, Branch Shivajinagar Court, Pune only to act upon the Certificate of Succession as issued on requisite Court Fees Stamp Paper by the Court in accordance with the procedure laid down in Maharashtra Court Fees Act and Indian Succession Act and not upon uploaded copy or certified copy of this order.

Date: 06.08.2026.

(J. M. Ambodkar)
6th Jt. Civil Judge (S. D.),
Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : M. C. Atnure, Grade III

Court : 6th Jt. Civil Judge [S.D.] Pune.

Date : 06.08.2026

Order signed by the
Presiding Officer on : 06.08.2026

Order uploaded on : 06.08.2026