

HRFB020001582022



Presented on : 10-01-2022  
Registered on : 10-01-2022  
Decided on : 10-08-2026

**IN THE COURT OF REETU YADAV, CIVIL JUDGE (SR.DIVN.),  
FARIDABAD.(UID No. HR0323)**

CNR No. HRFB02000158-2022  
CIS No. : SUCC/6/2022

1. Deepak Singh son of late Rameshwar Dayal Rohilla, resident of H.No. 67, Mahavir Colony, Gali No. 3, Ballabgarh, District Faridabad.

... Petitioner.

**VERSUS**

1. General Public.

... Respondent.

2. Smt. Savitri wife of late Rameshwar Dayal Rohilla, resident of H.No. 67, Mahavir Colony, Gali No. 3, Ballabgarh, District Faridabad.
3. Mamta daughter of late Rameshwar Dayal Rohilla, wife of Sh. Manoj Kumar, R/o H.No. 154, Bhod Wara, Ward No. 7, Sohna, District Gurgaon.
4. Sanju Ruhela daughter of late Rameshwar Dayal Rohilla wife of Sh. Vinay Rohela, R/o H.No. 8/401, Gali No. 1, Satya Nagar, Modi Nagar, Ghaziabad (UP).
5. Sangeeta Rani daughter of late Smt. Anju, D/o late Rameshwar Dayal Rohilla, wife of Sanjay Kumar, R/o 473, Sainipura Mohalla, Darbaripur, Badshahpur Gurgaon.
6. Sanchit Kokcha son of late Smt. Anju wife of Kamal Kokcha D/o late Rameshwar Dayal Rohilla.
7. Sanya Kokcha daughter of late Smt. Anju wife of Kamal Kokcha D/o late Rameshwar Dayal Rohilla,  
Both residnets of H.No. 137/2, Mohalla Peeraga, Ward No. 17, Narnaul, Mahendergarh.

.. proforma respondents.

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**PETITION UNDER SECTION 372 OF INDIAN SUCCESSION ACT  
FOR ISSUING SUCCESSION CERTIFICATE**

Present: Sh. Brij Mohan Vashisth, Id. Counsel for the petitioner.  
Respondent No. 1 proceeded ex-parte VOD 07.10.2022.  
Sh. Sachin Parashar and Sh. Mohit Kaushik, Id. Counsel for  
the proforma respondent No. 2 to 7.

**JUDGMENT:**

The petitioner filed present petition for grant of Succession Certificate under Section 372 of Indian Succession Act, 1925.

2. Succinctly, the case of petitioner is that Rameshwar Dayal Rohilla being sole proprietor was running a firm under the name and style of M/s Deepak Machines, at 21/7, 123-B, Navlu Colony, Gali No. 2, Near Bus Stand Ballabgarh, District Faridabad and having GST No. 06ABVPR3929B1ZD. Said Rameshwar Dayal Rohilla expired on 26.11.2021 and after his death the petitioner and proforma-respondents are the legal heirs, successors-in-interest and attained the right, title and ownership of movable and immovable proeprty of deceaesd Rameshwar Dayal Rohilla. After death of Rameshwar Dayal Rohilla, an oral family settlement was arrived at between the petitioner and proforma respondents that the petitioner is the sole and legal heir of M/s Deepak Machine and will be liable/owner for all the assets and liabilities of M/s Deepak Machines and he is authorized for filing income tax return and deposit all the income tax liabilities. The petitioner being his legal heir is

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thus entitled to apply for the succession certificate and to obtain the same exclusively for the debts and securities left by the deceased Rameshwar Dayal Rohilla and there is no impediment either under Section 370 of the Act or any other enactment of the said Act in issuance of succession certificate in their favour. After death Rameshwar Dayal Rohilla left the following debts and securities, deposits etc. in their names: -

| <b>Name of Bank and Branch</b>                | <b>Account number</b>                                | <b>Amount lying</b> |
|-----------------------------------------------|------------------------------------------------------|---------------------|
| State Bank of India, Ballabgarh branch        | 10952767357 in the name of Rameshwar Dayal           | 3,585/-             |
| Canara Bank, Mathura Road, Ballabgarh branch  | 2033101027896 in the name of Rameshwar Dayal Rohilla |                     |
| Canara Bank, Mathura Road, Ballabgarh, branch | 2033261060235 in the name of Deepak Machines         | 42,916/-            |

Cause of action to file the present petition has been finally accrued in favour of the petitioner on 28.12.2021 when the bank and GST Department through employees refused to pay the amount or transfer the same. At the time of his death, said Rameshwar Dayal Rohilla was residing at H.No. 67, Mahavir Colony, Gali o. 3, Ballabgarh, District Faridabad (Haryana). Hence, the present petition.

3. Notice of the petition was given to the respondent No.1 General Public through publication, but none put in appearance to file objection on its behalf and accordingly it was proceeded against ex-parte

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vide order dated 07.10.2022.

4. Upon notice, proforma respondents No. 2 to 7 appeared and filed their admitted written statement. However, in order to examine the entitlement of the petitioner qua relief sought following issues were framed:

1. Whether petitioner being legal heir of Sh Rameshwar Dayal Rohilla is entitled to obtain Succession Certificate, as prayed for? **OPP**
2. Whether the petition is not maintainable in the present form? **OPR**
3. Whether petitioner has no cause of action or locus standi to file the present petition? **OPR**
4. Relief.

Thereafter the case was adjourned for evidence of the petitioner.

5. In order to prove his case, petitioner examined following witnesses:

- (1) Deepak Singh as PW-1.
- (2) Jagdish Malik as PW-2.
- (3) Sunil Assistant Manager Canara Bank as PW-3.

Petitioner has also tendered following documents:

- |          |   |                                                            |
|----------|---|------------------------------------------------------------|
| Ex.P1    | - | Photocopy of death certificate of Rameshwar Dayal Rohilla. |
| Mark A   | - | Photocopy of Property ID of No. P07006040089.              |
| Mark B   | - | Photocopy of sale deed dated 19.08.1992.                   |
| Mark C   | - | Photocopy of water bills of MCF.                           |
| Mark D   | - | Photocopy of receipt.                                      |
| Ex.PW2/1 | - | Photocopy of account statement showing amount              |

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- Ex.PW2/2 - Photocopy of the authorization letter of SBI in favour of Jagdish Malik.
- Ex. PW3/A - Photocopy of statement of account.
- Ex.PW.3/B - Photocopy of sanction memorandum of Canara Bank.
- Ex.PW3/C - Photocopy of statement of account showing 'nil' balance.

Thereafter, vide separate statement dated 20.12.2025, ld. Counsel for the petitioner has closed his evidence.

6. In order to rebut the evidence of petitioner, respondents No. 2 to 7 did not produced any evidence and vide separate statement dated 17.01.2026, ld.counsel for the respondents No. 2 to 7 closed their evidence.

7. I have heard ld. Counsel for the parties and carefully gone through the case file.

8. No rebuttal evidence was present and the same was closed by separate statement of the Ld. counsel for the petitioner. Arguments heard. My issue wise findings are as herein under:

**ISSUE NO. 1:**

9. The onus to prove this issue was upon the petitioner. In order to discharge the said onus, petitioner examined himself as PW-1 and also examined PW-2 Jagdish Malik and PW-3 Sunil, Assistant Manager, Canara Bank. Petitioner has relied upon the death certificate of deceased Rameshwar Dayal Rohilla as Ex.P1 and the statements of accounts and

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other documents Ex.PW2/1, Ex.PW2/2 and Ex.PW3/A to Ex.PW3/C.

10. From the evidence led by the petitioner, it stands established that Rameshwar Dayal Rohilla expired on 26.11.2021. The death of the deceased has not been disputed by any of the respondents. The petitioner has also pleaded that the deceased was his father and that petitioner and proforma respondents No. 2 to 7 are his legal heirs. The proforma respondents No. 2 to 7, who are the other legal heirs of the deceased, appeared before the Court and filed their admitted written statement. They have not disputed the claim of the petitioner. Rather, they have admitted the entitlement of the petitioner in respect of the debts and securities left by the deceased. No evidence has been led by them to rebut the claim of the petitioner.

11. PW-2 Jagdish Malik has proved the relevant account statement pertaining to the deceased and the authorization in his favour issued by State Bank of India. PW-3 Sunil, Assistant Manager, Canara Bank, has also produced the relevant banking record and proved the statement of account Ex.PW3/A and other documents. The documentary evidence on record, read with the testimony of the witnesses, establishes the existence of the bank account(s) standing in the name of deceased Rameshwar Dayal Rohilla and/or his proprietorship concern, M/s Deepak Machines, to the extent proved on record.

12. It is pertinent to observe that proceedings under Section 372 of the Indian Succession Act, 1925 are summary in nature and the Court,

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while granting a succession certificate, is primarily concerned with determining the person who appears to have the best prima facie title to collect the debts and securities of the deceased. The grant of succession certificate does not finally adjudicate the title or ownership of the estate of the deceased. The certificate merely authorizes the holder thereof to receive the debts and securities specified therein, subject to the provisions of law.

13. In the present case, the petitioner has established the death of Rameshwar Dayal Rohilla and his relationship with the deceased. The other legal heirs, i.e. proforma respondents No. 2 to 7, have not opposed the claim of the petitioner. The General Public was also duly notified through publication, but no person appeared to contest the petition. Thus, there is no competing claim before this Court in respect of the debts and securities for which the succession certificate has been sought.

14. However, it is clarified that the succession certificate can be issued only in respect of such debts and securities which are duly proved to have been left by the deceased. The photocopies of property documents, sale deed, water bills etc. relied upon by the petitioner do not form the subject matter of a succession certificate and no finding regarding title to any immovable property is required to be returned in these proceedings. Likewise, the alleged oral family settlement cannot, by itself, be treated as a mode of transfer of title in respect of immovable properties. The present proceedings are confined to the debts and securities proved on record.

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15. So far as the bank accounts are concerned, the evidence of PW-2 and PW-3, coupled with the statements of account placed on record, establishes the amounts, if any, lying to the credit of the deceased/proprietorship concern. The statement Ex.PW3/C specifically reflects nil balance in the concerned account and, therefore, no succession certificate can be granted in respect of an account in which no amount is lying. Similarly, the certificate shall be confined to the amount actually proved to be outstanding in the respective account(s) as on the date relevant for issuance of the certificate.

16. In view of the unrebutted evidence on record, admission of the claim by proforma respondents No. 2 to 7 and absence of any rival claimant, this Court is satisfied that the petitioner has established his entitlement to obtain a succession certificate in respect of the debts and securities of deceased Rameshwar Dayal Rohilla, to the extent proved on record.

17. Accordingly, Issue No. 1 is decided in favour of the petitioner and against the respondents.

**ISSUE NO. 2:**

18. The onus to prove this issue was upon the respondents. No evidence has been led by respondents No. 2 to 7 to establish that the present petition is not maintainable in the present form. Respondent No. 1, i.e. the General Public, was proceeded against ex-parte and no objection

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was filed on its behalf.

19. The petitioner has instituted the present petition under Section 372 of the Indian Succession Act, 1925 seeking succession certificate in respect of the debts and securities allegedly left by the deceased. Such a petition is maintainable before the competent Court having jurisdiction in terms of the provisions of the Act. No legal impediment to the maintainability of the present petition has been established on record.

20. Accordingly, Issue No. 2 is decided against the respondents and in favour of the petitioner.

**ISSUE NO. 3:**

21. The onus to prove this issue was upon the respondents. As already noticed, the petitioner has established that deceased Rameshwar Dayal Rohilla expired on 26.11.2021 and that petitioner is one of his legal heirs. The petitioner has also established his claim in respect of the debts and securities left by the deceased. Further, the proforma respondents, who are the other legal heirs, have not disputed the claim of the petitioner.

22. The petitioner, being a legal heir of the deceased and claiming succession certificate in respect of the debts and securities left by the deceased, has sufficient locus standi to maintain the present petition. The refusal of the concerned authorities/banks to release or transfer the amount, as pleaded by the petitioner, also furnished a cause for

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approaching the Court for grant of succession certificate.

23. Nothing has been brought on record by the respondents to show that the petitioner lacks either cause of action or locus standi. Hence, Issue No. 3 is also decided against the respondents and in favour of the petitioner.

**ISSUE NO. 4: RELIEF:**

24. In view of the findings recorded above, the present petition deserves to be allowed. Accordingly, the petitioner Deepak Singh is held entitled to grant of succession certificate under Section 373 of the Indian Succession Act, 1925 in respect of the debts and securities of deceased Rameshwar Dayal Rohilla, to the extent proved on record.

25. The succession certificate shall be issued in favour of the petitioner in respect of the amount(s) actually lying to the credit of the deceased/proprietorship concern in the bank account(s) proved on record, including any amount of SBI account No. 10952767357, along with such other amount as is duly proved from the statement of account and found payable by the concerned bank. No certificate shall be issued in respect of the account reflected as having nil balance vide Ex.PW3/C i.e canara abnk account.

26. The succession certificate shall, however, not be construed as conferring any right, title or interest upon the petitioner in respect of any

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immovable property or other property of the deceased, nor shall it amount to adjudication of the title of the parties to the estate of the deceased.

27. The certificate shall be issued subject to the petitioner furnishing the requisite court fee and indemnity bond with one surety, in accordance with law.

28. File be consigned to the record room after due compliance.

Pronounced in Open Court:

Dated: 10.08.2026

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Civil Judge (Sr.Divn.),  
Faridabad. (UID No. HR0323)

Note: All the pages of this judgment have been checked and signed by me.

Dated: 10.08.2026.  
Devendra Singh

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Civil Judge (Sr.Divn.),  
Faridabad. (UID No. HR0323)

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