



Order below Exh.01

Read the application and affidavit in support of it. This is an application filed by the applicants seeking the relief of grant of succession certificate under Section 372 of the Indian Succession Act, 1925. The opponent No.1 and 2 failed to appear though duly served with notice Exh.5 and therefore, the application proceeded ex-parte against opponents. Heard the learned advocate Shri. S. M. Deshpande for the applicants. Perused the documents on record.

2. The applicants are seeking the relief of grant of succession certificate in their name in respect of locker No.45 in State Bank of India, Branch Old Jalna in the name of deceased Sudhakar Rangnath Deshpande. Applicant No.1 and 2 are the sons and applicant No.3 is daughter of deceased Sudhakar Rangnath Deshpande, who died on 05.03.2018. The mother of applicants namely Vimal Sudhakar Deshpande died on 28.05.2017.

3. According to the applicants, the applicants are the heirs of the deceased Sudhakar Rangnath Deshpande. The applicants are claiming succession certificate in their name in respect of locker No.45

in State Bank of India, Branch Old Jalna in the name of deceased Sudhakar Rangnath Deshpande.

4. The applicant No.1 Satish Sudhakar Deshpande and applicant No.3 Joystna Nishikant Mudhalwadkar filed their affidavits of evidence in support of their application at Exh.16 and 26 respectively and claimed the succession certificate in the name of all the applicants as prayed in the application. The public notice and citation issued and published in the newspaper 'Dainik Punyanagari', vide Exh.17. No any objection received from anyone in spite of public notice and citation. Sudhakar Rangnath Deshpande died on 05.03.2018 as per death certificate Exh.21. Vimal Sudhakar Deshpande died on 28.05.2017 as per verified copy of death certificate Exh.22. Verified copy of Aadhar card of the applicant No.1 is at Exh.24.

5. On perusal of verified copy of passbook of State Bank of Hyderabad Exh.23 shows saving account No.52070915226 stands in the name of Sudhakar Rangnath Deshpande and locker No.45 therein. On perusal of court commissioner report in respect of locker along with inventory and panchanama are at Exh.14 and 15/1 to 15/3, they shows that advocate Shri. Prakash P. Hiswankar court commissioner visited the State Bank of India, Jalna on 21.09.2023 and prepared

inventory of gold, silver, valuable articles etc. in locker No.45 in the name of deceased Sudhakar Rangnath Deshpande in presence of the Branch Manager, State of Bank of India, Old Jalna, applicant, learned advocate for the applicants and panch. The court commissioner report bears the signature of the court commissioner advocate Shri. Prakash P. Hiswankar.

6. The panchanama and inventory of gold, silver, valuable articles etc. are the part and parcels of court commissioner report Exh.14. The panchanama and the inventory of the articles in locker No.45 in the name of deceased Sudhakar Rangnath Deshpande bears the signature of applicant No.1, his advocate, Branch Manager, State Bank of India, Old Jalna, court commissioner and panch.

7. In view of the settled position of law, the succession certificate relates to debt and securities but, the definition of 'debt' do not constitutes the locker. Therefore, succession certificate as prayed by the applicants in respect of the locker No.45 of deceased Sudhakar Rangnath Deshpande cannot be granted. On the other hand, it becomes clear that the applicants are the heirs of deceased Sudhakar Rangnath Deshpande. In view of the claim of the applicants to seek succession certificate and evidence on record, I do not find any hurdle

to partly allow the application to grant heir-ship certificate by moulding the relief as per pursis Exh.28 and submissions made by the learned advocate for the applicants. Therefore, the application deserves to be partly allowed with no order as to costs. Hence, I proceed to pass order as follows.

Order

1. Civil Misc. Application is partly allowed with no order as to costs.
2. In the result, issue heirship certificate (वारस दाखला) in the name of the applicant No.1. Satish Sudhakar Deshpande, 2. Pradip Sudhakar Deshpande and 3. Jyotsna Nishikant Mudhalwadkar of deceased Sudhakar Rangnath Deshpande.
3. The applicants shall pay requisite court fees as per the rules accordingly.

Date : 07.02.2024

Sd/-
(N. L. Yeolekar)
Civil Judge S. D.,
Jalna

CERTIFICATE

I affirm that the contents of this PDF file are word to word
as per original order.

Name of Steno : M. D. Adhe
Name of Court : Civil Judge S. D., Jalna
Date of PDF : 07.02.2024

Sd/-
(M. D. Adhe)
Stenographer Grade-3