

**IN THE COURT OF JITENDER SINGH, ADDL. CIVIL JUDGE
(SR.DIVN.), FARIDABAD. (UID No. HR0333)**

CNR No. HRFB02003324-2023

UID No. : HR 0333

CIS No. : SUCC/92/2023

Date of Institution : 20.07.2023

Date of Decision : 04.11.2024

Pradeep Kumar Mehta son of late Prabhu Dayal, resident of House No. 1095, Sector – 55, Faridabad.

...Petitioner.

VERSUS

1. General Public,
2. The State of Haryana, through its Collector/Deputy Commissioner, Faridabad, Distt. Faridabad (Haryana).

.... Respondents.

3. Jitander Kumar Mehta son of late Prabhu Dayal, R/o House No. 997, Ward No. 7, near JCB Chowk, Sector – 55, Faridabad.
4. Smt. Baljeet Mehta wife of late Ashish Kumar Mehta son of late Prabhu Dayal wife of Ashish Kumar Mehta.
5. Kartikey Mehta minor aged about 16 ½ years son of late Ashish Kumar Mehta son of late Prabhu Dayal wife of Ashish Kumar Mehta
Minor proforma respondent No. 5 through his mother, next friend and natural guardian Smt. Baljeet Mehta wife of late Ashish Kumar Mehta son of late Prabhu Dayal wife of Ashish Kumar Mehta, both residents of House No. 997, Ward No. 7, near JCB Chowk, Sector – 55, Faridabad.

...Performa Respondents.

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

Present: Sh. Purushottam Bhardwaj, ld. counsel for the petitioner.
Respondent No.1 ex-parte v.o.d. 09.10.2023.

(Devendra Singh)
Stenographer Grade-II

(Jitender Singh)
Additional Civil Judge (Sr. Divn.)/Faridabad
04.11.2024/UID No.HR0333

Sh. Vibhor Khatana, ld. GP for respondent No.2.
Sh. Kuldeep Baghel, ld. counsel for the proforma respondent
No.3 to 5.

JUDGMENT:

The present petition has been filed by petitioner seeking succession certificate in respect of debts and securities i.e. medical bills of deceased.

2. Brief facts emerging out of petition are that petitioner and proforma respondents are real sons and grandson of late Smt. Savitri Devi wife of late Prabhu Dayal and she was residing at House No. 1096, Sector – 55, Faridabad. Said Smt. Savitri Devi expired on 25.05.2022. She was employed at post of Head Teacher at Government Primary School No.2, in front of Naj Cinema, Palwal. She was retired from her services on 31.07.2003 and was getting pension from office of District Elementary Officer, Palwal. Said Smt. Savitri Devi was infected from Covid-19/Corona Virus pandemic disease. She remained under treatment as indoor patient since 14.05.2022 to 25.05.2022 in Asian Hospital, Faridabad and expired on 25.05.2022. The total amount of ₹5,17,972/- was spent by the petitioner on treatment of Smt. Savitri Devi. The petitioner filled up Form Essential Certificate alongwith their necessary documents in triplicate for medical reimbursement in the office of District Elementary Education Officer Palwal for reimbursement of the amount of treatment, but the said office issued letter dated 03.03.2023 thereby demanding the succession certificate regarding release of reimbursement amount of ₹5,17,972/-. Proforma respondents No. 3 to 5 have undertaken that they will not claim any amount out of

reimbursement amount of ₹5,17,972/- which will be paid by District Elementary Education Officer Palwal to the petitioner. Besides this the proforma respondents No. 3 to 5 have no objection if succession certificate is granted in favour of the petitioner regarding the said amount. Husband of the deceased Smt. Savitri Devi already expired on 17.09.2009. There is no other legal heir except the petitioner and proforma respondents no. 3 to 5. The deceased never executed any Will in respect of said amount in the name of any other person. The cause of action finally arose on 18.07.2023 in favour of the petitioner when the concerned office refused to release the said amount without obtaining succession certificate in respect of the said amount. The petitioner is residing at Faridabad and the entire cause of action also accrued at Faridabad within the territorial jurisdiction of this court. 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 vide order dated 09.10.2023.

4. On notice, respondent No.2 appeared through Ld. Government Pleader and filed written statement taking preliminary objections regarding maintainability etc. It is submitted that if the Court deem it fit and appropriate to issue succession certificate in favour of the petitioner, on that eventuality the petitioner may kindly be directed to furnish indemnity bond with the surety bond of like amount with an undertaking that the petitioner will remain bound to indemnify the claim

of any other rightful claimant, if found subsequent according to law.

5. On notice, respondents No. 3 to 5 appeared through their counsel and filed admitted written statement. Hence, they are not at any issue with the petitioner.

6. From the pleadings of the parties, following issues were framed vide order dated 09.11.2023:

1. Whether petitioner is entitled for relief of issuance of Succession Certificate as prayed for? **OPP**
2. Whether petition is not maintainable in present form? **OPR**
3. Relief.

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

- (1) Pradeep Kumar Mehta petitioner himself as PW-1,
- (2) Pratap Singh, ESHM, Palwal as PW-2 and
- (3) Nitin, Clerk Medical Report Department, Asian Hospital as PW-3.

Petitioner has also tendered following documents:-

- | | | |
|--------|---|--|
| Ex. P1 | - | Photocopy of death certificate of Savitri Devi. |
| Ex. P2 | - | Photocopy of Aadhar card of Savitri Devi. |
| Ex. P3 | - | Photocopy of Form Essential Certificate for medical re-imburement. |
| Ex. P4 | - | Photocopy of Final Bill Summary of patient Savitri Devi. |
| Ex. P5 | - | Photocopy of Pension Payment Order Part-I of Savitri Devi. |
| Ex. P6 | - | Photocopy of letter dated 25.01.2023 of Headmaster GMS No. 2, Palwal to Block Education Officer, Palwal. |

- Ex. P7 - Photocopy of death certificate of Prabhu Dayal.
- Ex. P8 - Photocopy of Form Essential Certificate for medical re-imburement of Savitri Devi.
- Ex. P9 - Photocopy of record of service book of Savitri Devi.
- Ex.P10 - Photocopy of record of service book of Savitri Devi.
- Ex. P11 - Medical bill of Smt. Savitri Devi issued by Asian Hospital.
- Ex. P12 - Death summary of Smt. Savitri Devi.

Thereafter, vide separate statement dated 21.05.2024, learned counsel for the petitioner closed his evidence.

8. In order to rebut the evidence of petitioner, respondent No. 2 did not lead any evidence and vide separate statement dated 09.09.2024, ld. government pleader closed his evidence.

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

ISSUE NO.1:

10. From the perusal of oral as well as documentary evidence available on record, it is sufficiently established that deceased Smt. Savitri Devi died on 25.05.2022 leaving behind petitioner and the proforma respondents no.3 to 5 as her legal heirs being her sons, grandson and daughter in law respectively. Her husband namely Prabhu Dayal had already predeceased her. Fact regarding death of late Smt. Savitri Devi is even otherwise proved from death certificate Ex.P-1. As

per contents of the petition supported by affidavit, it is established that the petitioner and proforma respondents are the only legal heirs of deceased Smt. Savitri Devi. Proforma respondents have already relinquished their claims vide admitted written statement in favour of the petitioner in which they have submitted that they have no objection if the petitioner is granted succession certificate. Hence, petitioner being surviving legal heir of late Smt. Savitri Devi being her son is entitled to inherit the property left behind by her.

11. So far as the amount mentioned in detail in para No.4 of the petition is concerned, same is liable to be reimbursed in favour of the petitioner which is clear from documents Ex.P-3, P-4 and P-8.

12. Furthermore, after perusing the entire facts and circumstances of the case, this court finds no legal impediment to grant the succession certificate in favour of petitioner.

ISSUE No.2:

13. The onus to prove this issue is upon the respondents. However, this issue was neither pressed nor claimed by the Ld. Counsel for the respondents during the course of arguments. Accordingly, these issues are decided against the respondents and in favour of the petitioner.

ISSUE No.3:

RELIEF:

14. Thus, in view of the findings recorded on issues no.1 and 2, the petitioner is held entitled for the relief prayed for. Accordingly, petition succeeds and same is hereby **allowed**. Succession Certificate in

respect of amount mentioned in para no.4 i.e. amount of reimbursement of medical bills left by deceased Smt. Savitri Devi detailed and described in para no.4 of the petition, on depositing of requisite court fee @ 3%, as per Clause 12 of Schedule I of the Court Fees Act, 1870. The petition stands disposed of accordingly. Memo of costs be prepared accordingly. File be consigned to record room after due compliance.

Pronounced in Open Court :

Dated: 04.11.2024.

(Jitender Singh),
Addl. Civil Judge (Sr. Divn.),
Faridabad. (UID No. HR0333)

Note: This judgment contains **seven** pages and all the pages have been checked and signed by me.

Date of Order: 04.11.2024.
Devendra Singh

(Jitender Singh),
Addl. Civil Judge (Sr. Divn.),
Faridabad. (UID No. HR0333)