

MHAU020064792022



ORDER PASSED BELOW EXH.1 IN CIVIL M.A. No.1829/2022

Damini Chavan & others Vs. State of Maharashtra

(Decided On: 08/02/2023)

Applicant nos.1 to 3 have moved this application for issuance of Succession Certificate under the Indian Succession Act, 1925 in their name. According to them **Sachin s/o Taterao Chavan** (hereinafter referred as '**the deceased**') died on 11/11/2021 at Waregaon, Tq. Phulambri, District Aurangabad. Applicants have further stated that, applicant No.1 is wife, applicant No.2 is son and applicant No.3 is mother of the deceased and except them there are no any legal heir to the deceased.

2. The applicants further submitted that, on 08/04/2022 they obtained Heirship Certificate From CJJD Court, Phulambri vide Civil M.A. No.8/2022. During the lifetime, the deceased had obtained his and vehicle insurance bearing Policy No.16050031200100007044 from New India insurance Company of Rs.15,00,000/- and it is valid at the time of death of the deceased. Therefore, applicants require Succession Certificate in the name of applicant No.1 in respect of aforesaid insurance amount. Applicant No.2 has no objection for issuing Succession Certificate in he name of applicant No.1. They have further stated that, no other application is filed except this application for getting Succession Certificate.

3. Citation in the daily newspaper namely "Pudhari" was published at Aurangabad on 18/10/2022 at Exh.9/5. In spite of publication nobody has come forward to object the claim of the applicants.

4. To support their claim, applicant No. 3 Mangalbai has filed on record her affidavit at Exh.7 and stated that, he son namely Sachin s/o Tatearao Chavan died on 11/11/2021 at Waregaon, Tq. Phulambri, Dist. Aurangabad and she has reiterated the contents of the application and prayed to allow the application.

5. The applicants have produced verified copies of Aadhar Cards of applicant Nos. 1 to 3 at Exh.13 to 15 respectively, verified copy of death certificate of the deceased at Exh.16, copy of Policy Schedule-Cum-Certificate of Insurance at Article 'A' and attested copy of Heirship Certificate at Exh.17.

6. From perusal of the death certificate(Exh.16) it appears that, the date of the death of the deceased is 11/11/2021 and in absence of any objection to the application, it appears that the applicant nos.1 to 3 are the only successors of the deceased. Therefore, the applicant nos.1 to 3 are entitled for issuance of Succession Certificate in their name. Accordingly, I proceed to pass the following order -

ORDER

- 1) Application partly is allowed.

- 2) On payment of requisite Court fees as per Article-11 of Maharashtra Court Fees Act,1959 issue Succession Certificate in the name of applicant Nos.1 to 3 in the prescribed proforma Scheduled VIII of Indian Succession Act, 1925 in respect of benefit of Insurance Policy bearing No.16050031200100007044 of New India Insurance Company.

Date :- 08/02/2023.


(Vaishali Hangargekar)
5th Civil Judge (Senior Division),
Aurangabad.