


MHBU100022992025 	Succession Case No. 23/2025 Tahera Khanam Vs. Municipal Council Malkapur.
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ORDER BELOW EXH.01

(Dated 18/04/2026)

This is an application under Section 372 of Indian Succession Act for grant of succession certificate.

2] Read the application. Heard learned advocate for applicant. I have also gone through the documents placed on the record.

3] In-spite of service of notice to the non-applicant by (**Exh.11**), none appeared for him so, the matter is proceeded exparte against him as per order dated. 10.02.2026.

The applicant's case in short is as under:-

4] The applicant namely **Tahera Khanam Shoukatali Khan** is the daughter of deceased **Kalimuualla Khan Abdulla Khan** who died 06/07/2025 and his wife namely **Saberabi Kalimuulla Khan** is also died on 08/05/2016. The applicant is daughter and the deceased Firoz Khan Kalimuualla Khan was son of the deceased namely **Kalimuualla Khan Abdulla Khan**. Out of them, his son Firoz Khan Kalimuualla Khan died on 29/06/2007. Therefore, the applicant is the only legal heir of the deceased and there is no other heir. The deceased Firoz Khan Kalimuualla Khan did not have any children and does not have any children. The parents of the deceased **Kalimuualla Khan Abdulla Khan** are not alive today and they are died. Further, the deceased **Kalimuualla Khan Abdulla Khan** did not make any Will during his lifetime. The father of the applicant, deceased **Kalimuualla Khan**

Abdulla Khan was employed in the Municipal Council, Malkapur and the amount of retirement benefit due after his death is Rs. 65,806/- and it is necessary to get it to the applicant. When the applicant demanded the said amount from the non-applicant, he has verbally ordered the applicant to bring and submit the succession certificate. There is no legal heir to deceased except the applicant. An amount of Rs. 65,806/- is laying in Municipal Council, Malkapur. Hence, she prayed for getting succession certificate in her favour to receive said amount.

5] In support of her contentions, applicant filed her own evidence affidavit at Exh. 12 and reiterated the contents of application.

6] The applicant also produced following documents:-

i. Original copy of death certificate of deceased **Kalimuulla Khan Abdulla Khan** is at Exh. 13.

ii. Original copy of death certificate of wife of deceased namely **Saberabi Kalimuulla Khan** is at Exh. 14.

iii. Original copy of death certificate of son of deceased namely **Firoz Khan Kalimuulla Khan** is at Exh. 15,

iv. Original copy of certificate issued by Municipal Council Malkapur dated 15.09.2025 in regard to the amount of Rs. 65,806/- is at Exh. 16.

v. Certificate issued by the Special Executive Officer, dated 02.09.2025 is at Exh. 17.

vi. Verified copy of Aadhar card of applicant namely Tahera Khanam Shoukatali Khan is at Article- A.

vii. Paper publication issued in "Dainik Samana" News Paper dated 19/12/2025 is at Exh. 18 and thereafter, the applicant closed her evidence by filing pushis at Exh. 20.

7] The applicant submitted that there is no impediment under Section 370 of the Indian Succession Act or under any of the provisions of this Act or any other enactment, to the grant of Succession Certificate or the validity thereof if it is granted.

8] The applicant further submitted that no other application for succession certificate, probate, letter of administration regarding the deceased was ever preferred by applicant or any other person, ever before this Court or any Court in India or in Foreign Court.

9] In support of proof of proclamation, "Dainik Samana" News Paper publication dated 19/12/2025 (Exh. 18) and citation notice (Exh. 08) are placed on record. Perused the documents on record and unchallenged evidence of applicant, it reveals that, applicant is only legal heir of the deceased **Kalimuualla Khan Abdulla Khan**. Even after paper publications, no objection appeared on record till today, therefore it is necessary to decide present unchallenged application in summary manner. Thus, considering the submissions, relation of applicant with deceased, unchallenged evidence of applicant and on being satisfied with the documentary proof on record and in the absence of any objection, there is no hurdle to accept the applicant as heir of deceased and to issue succession certificate to receive the amount laying in Municipal Council, Malkapur. Hence, following order is passed.

ORDER

- i. Issue Succession Certificate in the name of applicant as Class-I successor of deceased **Kalimuualla Khan Abdulla Khan** only for limited purpose of receiving amount of Rs. 65,806/- which is laying in Municipal Council Malkapur along with interest, if any.
- ii. Applicant is directed to furnish her indemnity bond of Rs. 65,806/- before this Court as per Section 375 of Indian

Succession Act as condition precedent for obtaining succession certificate and in order to secure interest of third person if it is raised in the future.

- iii. A.S. to calculate the appropriate Court fees on above referred amount. After depositing the appropriate Court fees by applicant, Succession Certificate be given to applicant being successor of deceased.
- iv. This succession Certificate is limited only in respect of receiving an amount of Rs. 65,806/- along with interest, if any and not in respect of any other movable or immovable property.

Date:- 18/04/2026.

Malkapur.

(Atul U. Mote)

2nd Jt. Civil Judge Jr. Division, Malkapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same, word to word, as per the original order.	
Court	J.M.F.C. Court No.2, Malkapur
Date	18/04/2026
Order signed by the presiding officer on	18/04/2026
Order uploaded on	18/04/2026