



**ORDER BELOW EXH. 01**

Applicants have filed this application for obtaining succession certificate as per the provisions of Section 372 of the Indian Succession Act.

2) It is the contention of the applicants that, deceased **Bharatesh Ramesh Samarth** was husband of Applicant No.3 and father of Applicant Nos. 1 and 2. He died on 20/01/2023. Applicants came to know that, deceased was having bank account bearing no. 32032372248 in the State Bank of India branch-Kurduwadi and in the said account Rs. 35,986/- is laying in the name of deceased. It is further contention of the applicants that, deceased was having immovable property i.e. Flat No. 20 admeasuring 900 sq. ft. (i.e. 84.20 sq. mtrs.) situated on the second floor of Laxmi Heights Apartment, Condo Minium, constructed on Final Plot No. 45 within the authority limits (C.D.C) of village Chikhli, together with Parking No. 20(1). Therefore, being legal heirs of the said deceased, applicants filed this application to obtain succession certificate for withdrawal of the said amount and to mutate their names on revenue record of said flat of the deceased.

3) In view of order passed below Exh.1, the applicant made publication in a daily newspaper "*Dainik Solapur (Katusatya)*" dated 09/05/2025 inviting thereby objections from the public at large with regard to issuance of succession certificate. The said publication is filed on record as per list at Exh.08. Application remains uncontested. Application is supported by the affidavit of the Applicant No.1 vide Exh. 05. Applicants have filed original death certificate of deceased Bharatesh Ramesh Samarth at Exh. 17. Applicants have also filed copy of bank passbook of deceased Bharatesh Ramesh Samarth. Applicant No. 1 has filed his evidence affidavit at Exh. 10. Applicants have filed copy of bank statement of deceased of saving Bank Accounts bearing No. 32032372248 with State Bank of India branch-

Kurduwadi wherein Rs. 35,986/- is shown as balance in the name of deceased. The evidence of applicant remained unchallenged. Applicants requested to grant succession certificate being they are only legal heirs of the deceased Bharatesh Ramesh Samarth. Applicants have also filed affidavit at Exh. 13 contending that, mother of deceased namely Bharatesh Ramesh Samarth is already died. Therefore, taking into consideration the relations it is seen that, being wife and children, the applicants are heirs of deceased Bharatesh Ramesh Samarth.

4) It is to be noted that, the Court of Civil Judge Junior Division is only empowered to issue succession certificate in uncontentionous matters and subject to its pecuniary jurisdiction only. In the present case, the amount laying in the said bank is standing in the name of deceased Bharatesh Ramesh Samarth is within the limits of pecuniary jurisdiction of this Court. It appears that, none other than applicants have made claim for succession certificate. Hence, there is no hurdle to allow the application as prayed for, subject to the payment of necessary Court fees.

5) As regard to immovable property of deceased it is relevant to note here that, applicants filed this application for seeking succession certificate for movable property i.e. bank amount of deceased and for immovable property. However, the movable property is governed as per Indian Succession Act and Heirship Certificate for immovable property is governed as per Bombay Regulation Act. Therefore, as both enactments are different and court fees for both properties are also different, it was expected from applicants to file separate application to obtain succession certificate for movable property and heirship certificate for immovable property of deceased. In view of this it appears that, two reliefs of different enactment in one application is not permissible. Upon hearing on the said point, Ld. Advocate for applicants orally argued that, the said application be considered to the extent of withdrawal of bank amount. Therefore, it would be proper to allow

application to the extent of succession certificate for bank amount of deceased and to reject for heirship certificate for immovable property with liberty to file afresh. Considering this, application deserves to be partly allowed. Therefore, following order is passed-

**ORDER**

1.	Application is partly allowed.
2.	Succession certificate under section 372 of the Indian Succession Act be issued in favour of Applicants as legal heirs of deceased <b>Bharatesh Ramesh Samarth</b> for claiming amount of <b>Rs. 35,986/-</b> laying in the saving bank A/C no. <b>32032372248</b> of deceased with the State Bank of India branch-Kurduwadi with interest, if any.
3.	Said certificate shall be issued subject to necessary court fees paid by the Applicants.
4.	Application in respect of immovable property i.e. flat of deceased is hereby reject with liberty to file afresh.

Date : 07.05.2026

**(Anay D. Kulkarni)**  
3<sup>rd</sup> Jt. Civil Judge, Junior Division,  
Madha.

**CERTIFICATE**

I affirm that, the contents of this P.D.F. file Order/Judgment is same word to word, as per the original order/judgment.

Name of Stenographer	:	M.P.Dixit Grade-3
Court Name	:	3 <sup>rd</sup> Jt. C.J.J.D. & J.M.F.C., Madha.
Order/Judgment signed by the Presiding Officer on	:	07/05/2026
Order/Judgment uploaded on	:	07/05/2026