

ORDER BELOW EXH.1 IN CIVIL M.A. NO. 122/2012

1. This is an application for grant of succession certificate under the provisions of Indian Succession Act, mainly on the contention that, all the applicant nos.1 to 29 are closely related to deceased Shrikuwarbai Dhanraj Muntot, who died on 23-12-2002. She was permanent resident of Ahmednagar and she left behind her last duly executed Will/Testament dated 18-4-1999 registered in the office of the Sub-Registrar, Ahmednagar. The deceased was governed by provisions of Hindu Law. Except the present petitioners, there are no other beneficiaries under the Act of deceased Shrikuwarbai. Deceased was residing at "Satha Colony, Station Road, Ahmednagar. The deceased has bequeathed the securities to the petitioners in numbers as mentioned in the schedule. The petitioners are the beneficiaries and legatees in the said will. By virtue of section 57(c) r/w sections 212 and 213 of the Indian Succession Act, 1925, the will left behind by Hindu does not require to be probated. For discharge and release of the payee the succession certificate is required. Hence, prays to grant succession certificate u/s 370 of the Indian Succession Act, regarding the transfer of share bequeathed by the deceased in favour of the applicants. Applicant no.12 Indira and the applicants have got no objection for the same. Applicant no.27 who is the beneficiary under the will is married. Applicant nos.10 and 11 are the wives of Mr.Mahesh Prakash Munot and Mr.Manish Prakash Monot, respectively. The total of shares allotted as per will is 35,975. The deceased during her lifetime expressed her wish to allot 50 shares to applicant no.22. As per will he is allotted 150 share. Hence, he is entitled to get total 200 shares.. Hence, prays to issue succession certificate in the name of petitioner, in respect of securities

described in Schedule "A" and as per allotment shown in Schedule "B" attached with the application.

2. After filing of the application public notice was issued in daily newspaper "Nagar Times" dated 11-11-2012. Nobody put forth objection within stipulated time for grant of succession certificate, as prayed by the applicants. All the relevant documents supporting the case of applicants are filed on record below Exh.3, more particularly, the will deed, which is registered in the office of Sub-Registrar. Its true copy is filed on record along a case reported in 2004(1) Mh.L.J. 62, Bhagwanji vs. Surajmal, wherein it is observed that, "As per section 213, 57(a) and (b) of the Succession Act, suit property situated at Pune- Will executed at Pune-Probate of Will to pursue execution proceedings not necessary." The other relevant documents regarding the marriage certificate, share certificate xerox copies, are filed on record; death certificate of Shrikunwarbai is also filed on record. In view of the above discussion and the cited ruling, I see no hurdle to discard the contention of the applicants, supported with all relevant documents on record. The applicants are entitled to get succession certificate for the securities shown in Schedule "A" as per the allotment shown in Schedule "B" annexed with the application. Hence, I proceed to pass the following order:-

ORDER

1. Application is allowed.
2. Issue succession certificate in favour of the applicants in respect of the securities described in Schedule "A" as per allotment

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shown in Schedule "B" attached herewith, on payment of requisite court fee stamp.

Ahmednagar.
Date: 25/02/2013.

(Shaida Razvi)
Civil Judge Senior Division,
Ahmednagar.