

MHNG020054872022

Succession C. No.387/ 2022
Manohar & others ..Vrs.. Nil



ORDER BELOW EXH.1

(Passed on 2nd January, 2023)

This is an application for issuance of Succession Certificate under section 372 of The Indian Succession Act.

02. It is contended that, applicant nos.1, 4, 5 and 7 are sons of Late Subhadrabai Ramaji Radke and applicant nos.2, 3 and 6 are married daughters of Late Subhadrabai. The applicants are real brothers and sisters. Their father Ramaji Govindrao Radke expired long back on 29.02.1996. The mother of applicants, Late Subhadrabai expired on 07.07.2018 at Nagpur. There is no Will executed by Late Subhadrabai. That Late Subhadrabai was having saving bank account bearing no.960410100011636 in Bank of India, Branch Nagbhid, Tah. Nagbhid, Distt. Chandrapur and as on today amount of ₹3,60,000/- is lying in said account. Apart from saving bank account, residential house bearing house no.39 situated at Mouza Sulezari, Tah. Nagbhid is in name of Late Subhadrabai. Apart from applicants, there are no other legal heirs of Late Subhadrabai. The applicants approached concerned Bank Manager for withdrawal of amount, but applicants were asked to produce Succession Certificate. Even the Revenue Authority asked for Succession Certificate for mutating name of applicants to above house property. Hence, this application.

03. The applicants have prayed for issuance of Succession Certificate in respect of amount lying in Saving bank account and for mutating their name to the immovable property. However, so far as relief regarding immovable property is concerned, Succession Certificate cannot be granted for the same. The applicants have filed Pursis vide Exh.26 contending that, they restrict their claim to the extent of amount lying in bank only. Thus this application is considered only for the purpose of amount lying in saving bank account.

04. A public notice (Exh.10) was issued in daily Newspaper "Punyanagari" dated 22.11.2022. The Citation notice (Exh.5) was also exhibited on notice board of the Civil Court, Nagpur, on notice board of Municipal Corporation, Nagpur and on residential house of deceased. In spite of that, no one has raised any objection to the present application till today.

05. In support of their claim, the applicant no.1 filed his affidavit vide Exh.9. He has relied upon verified copy of Adharcard of Late Subhadrabai and applicants (Exh.18 to 25), Power of attorney executed by applicant nos.2 to 7 in favour of applicant no.1 (Exh.11), Death Certificates of father Ramaji and Late Subhadrabai (Exh.12 and 13), Passbook (Exh.14), 7/12 extract (Exh.15), Assessment extract (Exh.16) and valuation card (Exh.17). The applicants closed evidence by filing Pursis vide Exh.26.

06. The applicant no.1 has deposed in consonance with the contents of application. The death certificates filed on record shows that, father of applicants expired long back on 29.02.1996 and Late Subhadrabai expired on 07.07.2018 at Nagpur. The savings bank account passbook (Exh.14) of Bank of India, bearing no.960410100011636, Branch at Nagbhid, Tah. Nagbhid, Distt. Chandrapur shows that, as on 02.05.2021 an amount of ₹3,31,625.98/- is lying in said account. However, the case is filed on 07.10.2022 and as per applicants, on the date of filing of application an amount of ₹3,60,000/- is lying in said account. The applicants have contended on oath that, apart from applicants, there are no other legal heirs of Late Subhadrabai. Further, no one has raised objection to the present application. As stated above, inspite of public notice no one has raised any objection for issuing Succession Certificate in name of applicants. Thus there appears no hurdle in issuing Succession Certificate in name of applicants to claim an amount of ₹3,60,000/- lying in saving bank account of Late Subhadrabai. Thus, in the result, I pass the following order :-

ORDER

01. Application is hereby allowed.

02. A Succession Certificate in view of the schedule prescribed under section 372 of the Indian Succession Act, be issued in the name of applicants to claim amount of ₹3,60,000/- (Rupees Three Lakh Sixty thousand only) lying in Bank of India, Branch at Nagbhid, Tah. Nagbhid, Distt. Chandrapur, bearing account no.960410100011636 in name of Late Subhadrabai Ramaji Radke, on payment of requisite court fee stamp.

Nagpur
Date : 02.01.2023.

(S.M. Padolikar)
14th Jt. Civil Judge (Sr. Dn),
Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are word to word, as per original Order.

Case argued on	:	02/01/2023
Order dictated on	:	02/01/2023
Transcription ready on	:	02/01/2023
Order checked and signed on	:	02/01/2023

Stenographer (Gr.II) : Sau. S.D. Karemore

/home/ubuntu/a Smt. S.M.Padolikar, From June 2022...../Orders /January, 2023/Successsion final orders /