

IN THE CITY CIVIL & SESSIONS COURT AT AHMEDABAD**CIVIL MISC. APPLN. NO.541 OF 2017****Applicant:**

1. **Manishaben Mukeshbhai Patel**
63, Bhagirath Bungalows,
Ghodasar, Ahmedabad.

Appearance:

Ms.M.M.Patel, learned Advocate for the Applicant.

JUDGMENT

1. The applicant has moved an application under Section 372 of Indian Succession Act for grant of Succession Certificate in respect of security of deceased Mukeshbhai Bachubhai Patel as stated in Schedule.

2. The brief facts necessary for the disposal of the present application are as follows:

2.1 It is stated that applicant is wife of deceased Mukeshbhai Bachubhai Patel. It is averred that deceased died intestate on 28.01.2015. It is further averred by the applicant that deceased was holding P.P.F Account in Bhartiya State Bank of India, Vatva G.I.D.C. Branch with Account No.10278825919 in which Rs.17,94,631.52/- is lying as deposit. The deceased has left behind applicant (wife) and his two sons namely Parth and Harsh. Apart from these heirs, there are no other legal heirs of deceased. It is further stated that deceased has not left behind any Will in favour of any person.

3. Consequent to the filing of the present application, a public notice dated 27.12.2017 was issued in "Divya Bhaskar" News Paper in respect of the application under Section 372 of the Indian Succession Act. The original cutting of newspaper has been produced at Exhibit-13 wherein, the said notice invited objections from the public at large. A perusal of the record shows that no person has come forward to make any objection or to oppose any challenge

with regard to the aforesaid application filed by the applicant and thus, the averments made in the application remain unchallenged. The applicant has placed on record her affidavit in chief vide Exhibit-16 in support of the present application. The affidavit in question has basically reiterated averments made in the application and it would be futile exercise to further mention the averments made in the affidavit or in the application. It appears from the unchallenged testimony of the applicant that there is no opposition whatsoever in respect of grant of succession certificate in favour of the applicant.

4. The applicant has produced following documents in support of her application;

Sr.No.	Particulars	Exhibit
1	Copy of death Certificate of Mukeshbhai Bachubhai Patel	Exh.3/1
2	Copy of Pass Book of P.P.F.Account of State Bank of India	Exh.3/2
3	Copy of Pedigree Chart	Exh.3/3
4	Identity proof of applicant	Exh.3/4
5	Consent affidavit of Parth Mukeshbhai Patel	Exh.3/5
6	Consent affidavit of Harsh Mukeshbhai Patel	Exh.3/6

5. In this case, applicant is wife of deceased and other legal representatives have also placed on record their affidavits i.e. Parth Mukeshbhai Patel vide Exhibit-3/5 & Harsh Mukeshbhai Patel vide Exhibit-3/6 indicating that they have no objection if succession certificate is granted in favour of the applicant. Applicant and her two sons are only Class-I heirs of deceased as per Hindu Succession Act, 1956.

6. The examination of record of the present application reveals that no Will has been left by deceased person and even other legal representatives of deceased have no objection if Succession Certificate is granted in favour of applicant. It is also relevant to mention that applicant is wife of deceased. In view of the above, the applicant has made out a case for grant of succession certificate as envisaged under Section 372 of Indian Succession Act.

7. Upon hearing the Counsel for applicant and considering the scope of Section 372 of Indian Succession Act, 1932 and also perusing the entire material on record, it is apparent that applicant is entitled for grant of Succession Certificate and thus, it is being accordingly granted.

8. In view of the foregoing, I pass the following order;

FINAL ORDER

The present application stands granted.

The Succession Certificate with regard to securities as elaborated in the Schedule be issued in the name of applicant.

The Succession Certificate shall be issued on the production of requisite Court fee, if any, and the applicant is required to furnish the stamp of the value depending upon the benefits as accrued.

Grant of Succession Certificate shall comply with the requirement with regard to condition of surety and bond as stipulated in City Civil & Sessions Rules, 1961.

Signed and pronounced in the open Court on this **23rd day of March, 2018.**

Place : Ahmedabad

Dated : 23/03/2018

(HASAN ANZAR)
ADDITIONAL DISTRICT JUDGE
COURT NO. 25
City Civil & Sessions Court,
(CODE No; GJ01503)

Farhan
PS