



**THE COURT OF 3<sup>rd</sup> JT.CIVIL JUDGE JUNIOR  
DIVISION, NAGPUR, DISTRICT NAGPUR**  
( Presided Over By, S. P. Rachkar )

**ORDER BELOW EXH - 01**

(Passed on 27<sup>th</sup> day of January, 2023)

This is an application under **section 372 of The Indian Succession Act, 1925** for grant of succession certificate, for claiming over amount in bank account, belonging to deceased **Shitalchand S/o. Shikarchand Jain**, who died on **23.10.2020**.

2] It is the contention of applicant that deceased **Shitalchand** was husband and father of applicants. They are only legal heirs of deceased.

3] It is submitted that, the deceased **Shitalchand** during his life time, was having saving account at Punjab National Bank, Dr. Ambedkar Road, Indora Branch, Nagpur, bearing A/c.No.0500000100187073 and amount of Rs.1,46,939/- is balance in the said account.

4] It is submitted that, after death of **Shitalchand S/o. Shikarchand Jain** the applicant submitted an application with request to pay the aforesaid amount to

them being the legal heirs and successors of deceased **Shitalchand**. However the said **bank** refused to accept the application and in writing directed to bring the succession certificate from the competent court of law. That, the concerned bank also refused to furnish the information about the total amount. Hence, applicants have prayed to allow the application.

5] Accordingly, citation is published, paper publication is also given. The relevant copy of newspaper "**Lokshahi Varta**" dated 16.11.2022 filed below (Ex-18). However, at the expiration of time mentioned in proclamation, nobody appeared to raise any objection. Applicant no.1 by filing his evidence affidavit Exh.11 reiterated the contention put forth by the applicants. The applicants have filed on record, verified copy of death certificate of deceased Shitalchand(Exh.12), verified copies of Aadhaar cards of applicants(Exh.13 to 16), verified copy of front page of Punjab National Bank pass book of deceased (Exh.17) and Proclamation published in Newspaper "**Lokshahi Varta**" dt.16.11.2022(Exh.18). Intimation of closure of evidence by applicants is given by filing pursis. Heard, the arguments advanced by learned advocate for applicants.

6] Considering the matters before this Court, following points arise for my determination. Decisions on them are recorded for reasons to follow;

| <b>Sr. No.</b> | <b><u>Points For Determination</u></b>                                                                                                    | <b><u>Decisions</u></b>     |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 1]             | Whether <b>Shitalchand S/o. Shikarchand Jain</b> has died ... leaving securities supra?                                                   | Yes.                        |
| 2]             | Whether applicants are only heirs of deceased <b>Shitalchand S/o. Shikarchand Jain</b> and ... they are entitled to the securities supra? | Yes.                        |
| 3]             | Whether applicants are entitled to succession certificate, as ... prayed?                                                                 | Yes.                        |
| 4]             | What order?                                                                                                                               | ... Application is allowed. |

### **REASONS**

#### **As To Points No.01 to 04**

7] Witness examined has reiterated the contention in this application with precision in regard to name of deceased supra alongwith date of death, relationships of applicants with deceased supra. Contents in application provide specific details of securities left over by deceased supra at the time of death. Even after issuance of proclamation and expiration of time mentioned in it, nobody has appeared and raised objection. Therefore, contents in application and evidence of the sole witness have gone unchallenged. Even the documentary evidence in that regard is specific. Sufficient evidence is brought on record to prove that, applicants are the only legal heirs/successors of deceased supra and are entitled to

securities so left over by the deceased. Therefore, I think it fit to grant the succession certificate in the names of applicants. Resultantly, I answer points No.01 to 03 in the affirmative and to answer point No.04, I pass the following order.

### **ORDER**

- i) Application is allowed.
- ii) Issue succession certificate under **section 372 of The Indian Succession Act, 1925** after payment of the requisite Court-fees in the names of applicants i.e.  
**(1)Shri Sagar S/o. Shitalchand Jain,**  
**(2)Smt. Sangeeta Wd/o. Shitalchand Jain,**  
**(3)Ku. Sapna S/o. Shitalchand Jain &**  
**(4)Smt. Pooja W/o. Rohit Jain @ D/o. Shitalchand Jain,** in regard to the securities infra left over intestate by deceased **Shitalchand S/o. Shikarchand Jain** who has died on **23.10.2020**.

| <b>Sr. No.</b> | <b>Name Of Bank/ Account No.</b>                                                                | <b>Amount</b>                               |
|----------------|-------------------------------------------------------------------------------------------------|---------------------------------------------|
|                | Punjab National Bank, Dr. Ambedkar Road, Indora Branch, Nagpur, bearing A/c.No.0500000100187073 | Rs.1,46,939/- and accrued interest thereon. |

- iii) *(Dictated & Pronounced in open Court.)*

Nagpur,  
Date: 27/01/2023

Sd/-  
**( S. P. Rachkar )**  
 3<sup>rd</sup> Jt.Civil Judge Junior Division,  
 Nagpur, District Nagpur.

**CERTIFICATE**

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

Name of Stenographer : R. W. Vindane,  
**to, 3<sup>rd</sup> Jt. C.J.J.D. Nagpur.**

**Endorsement**

|                                                                                                             |     |            |
|-------------------------------------------------------------------------------------------------------------|-----|------------|
| As per Circular No.37/Judl. Br./2018, District and Sessions Court, Nagpur, Dtd. 31 <sup>st</sup> July, 2018 |     |            |
| Case argued on                                                                                              | ... | 27.01.2023 |
| Judgment/order dictated on                                                                                  | ... | --         |
| Transcription ready on                                                                                      | ... | --         |
| Judgment /order checked and signed on                                                                       | ... | 27.01.2023 |