

ORDER BELOW EXH.1 IN CIVIL M. A. 730/2022

Sonali Salunkhe-3 Vs. NIL

(Passed on 20.01.2023)

CNR NO. MHSO02003849-2022

Applicants have filed an application for Succession certificate under Indian Succession Act, 1925 (hereinafter referred to as Succession Act).

02] The applicant no. 1 is wife, applicant nos. 2 and 3 are son and daughter and applicant no. 4 is mother of deceased Pravin Tanaji Salunke (hereinafter referred to as deceased). Deceased Pravin Tanaji Salunke died on 20/06/2022. Deceased was in service in Cholomandal Investment & Finance Company Ltd., Branch Solapur as Regional Receivable Manager. Retirement benefit of applicants.

03] Being his legal heirs, applicants have right to receive retirement benefit. Hence, application has been filed for issuance of heirship certificate in that respect.

04] In support of contention, the applicant no. 4 examined herself as AW-1 at **Exh. 10** and applicant no. 1 examined herself as AW-2 at **Exh. 11** and filed documents i.e. Citation at **Exh. 7**, death certificate of Pravin Tanaji Salunke, at **Exh.13**, letter received from Cholomandal Investment & Finance

Company Ltd., Branch Solapur for appointment of heirs for legal heirs of deceased at **Exh. 14**, xerox copy of Ration card at **Exh. 15**, verified copy of Adhar Cards of applicant no. 1 to 4 at **Exh. 16 to Exh. 19**, verified copy of Adhar Cards of deceased at **Exh. 20**. The applicants have also filed Public Notice issued in newspaper "Nalanda Express" dated 16.11.2022 at **Exh. 9**.

05] As per contention of applicants, they are only legal heirs of deceased and heirship certificate is required for getting retirement benefit. The evidence available on record has remained unchallenged. On 16.11.2022 paper notice was published in daily "Nalanda Express" and citation notice was published. But, till today no-one has appeared to resist the claim of applicants. There is no reason to discard or disbelieve the contention of applicants. As the heirship certificate is issued only in respect of movable property and in the present application certificate is required for retirement benefit, the succession certificate is required to be issued.

06] Considering the facts and circumstances of the case and the evidence on record, I am of view that, applicants are entitled for succession certificate as prayed. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Issue succession certificate in the name of Applicant no. 1] Smt. Sonali Pravin Salunke, applicant no. 2] Vedant Pravin Salunke, applicant no. 3] Vansh Pravin Salunke and applicant no. 4] Smt. Vijanti Tanaji Salunke as legal heirs of deceased Pravin Tanaji Salunke in prescribed proforma on payment of requisite stamp duty.

Dt. 20-01-2023

(Prashant B. Warade)
4th Civil Judge Jr. Div.
Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

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|---|----------------------------------|---|---|
| a | Name of the Stenographer | : | R.R. Gunhal. |
| b | Court | : | 4 th Joint Civil Court,
J. D., Solapur. |
| c | Date of Judgment/Order | : | 20.01.2023 |
| d | Judgment/Order signed by P.O. On | : | 20.01.2023 |
| e | Judgment/Order uploaded on | : | 21.01.2023 |