

GJVL060003842018



Presented on : 11-05-2018

Registered on : 11-05-2018

Decided on : 07-08-2018

Duration : 0 years, 2 months, 26 days

**IN THE COURT OF
PRINCIPAL CIVIL JUDGE & J.M.F.C AT KAPRADA, VALSAD
Presided Over by D.V.Savalia**

CMA SC/1/2018

Exhibit No.: 22

Applicant:

RAMESHBHAI KALIYABHAI PATEL

Age: 48

Occupation :

Address: KANDOL FALIYU, MOTA PONDHA, TA- KAPRADA

VERSUS

Opponent:

NO BODY

Address: NOT AVAILABLE

Advocate for Applicant: B.I.PATEL

Advocate for Opponent: appearing for NO BODY: Advocate appearing for respectively.

Order

1. Applicant – Rameshbhai Kaliabhai @ Kalidas Patel has presented this petition for Succession Certificate towards value of fix deposit held in the name of his deceased brother Babubhai Kaliabhai Patel and towards value of amount kept in saving account held in the name of his deceased brother's wife Kashiben Babubhai Kaliabhai Patel. Applicant's brother Banubhai demised on 21.11.2017 at Vinoba Bhawe

Civil hospital, Dadra & Nagar Haveli. Applicant's brother's wife Kashiben Banubhai demised on 20.04.2018 at village Mota Pondha, Ta: Kaparada, District- Valsad. Late Babubhai and Kashiben have no issue. There is no any other legal heir of the deceased Babubhai and Kashiben except the applicant. Death certificate of Babubhai and Kashiben are produced by the applicant vide Ex. 14 & 15. Certificate of Fix deposit A/C no.089866032622, maturity value of Rs.213951.00/- and account statement of A/C no.089810002284 with credit of Rs.132459.61 in Dena Bank, Mota Pondha branch, are also produced at Ex.17 and 16 respectively. Court issued public show cause notice which is produced at Ex.12. No one objected application. So, court inquiry was held by recording the statement of the applicant at Ex.10 and his witnesses are at ex. 19 and 20. It is declared by applicant on oath that at present Fix deposit A/C no.089866032622, maturity value of Rs.213951.00/- and A/C no.089810002284 with credit of Rs.132459.61 in Dena Bank, Mota Pondha branch, are deposited in the name of the deceased Babubhai Kaliabhai Patel and, the applicant is only his legal heir as a real brother. So, he prays for issuance of succession certificate.

2. That on perusal of deposition of applicant at Exh.10, wherein he has stated on oath all the contents of application Exh.1. Further, it is also evident from the record that Even after publication of public notice in daily newspaper, nobody came forward to contest the present application. Therefore, present applicant had proved the factum of application and this Court has no reason to discard the evidence produced on record by the applicant and the prayer as prayed for by him. Therefore, I am of the view that the applicant is entitled to get succession certificate for the amount of fix deposit as well as saving account of deceased Babubhai Kaliabhai Patel, lies with the Dena Bank, Mota Pondha branch. Hence, I pass the following order.

-: : FINAL ORDER: : -

1. The present application is hereby allowed and the prayer of para.8 is hereby granted.
2. On payment of requisite Court Fee Stamp, the Succession Certificate for the amount towards Fix deposit of A/C No. 089866032622, maturity value of Rs.213951.00/- and credit of Rs.132459.61/-in Saving A/C No.089810002284 in Dena Bank, Mota Pondha branch, held in the name of deceased Babubhai Kaliabhai Patel, be issued in the name of the applicant Rameshbhai Kaliabhai @ Kalidas Patel.

Pronounced in open Court today, on this 7th day of August, 2018.

KAPARADA

Date: 07.08.2018

(DILIP VRAJLAL SAVALIA)

Principal Civil Judge,

KAPARADA

UID CODE GJ01298