

**IN THE COURT OF MS. SUKIRTI  
ADDL. CIVIL JUDGE (SR.DIVISION), KARNAL.  
(UID NO.HR-0258)**

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**CNR No.HRKR02-000140-2018.**

**CIS No.SUCC-2/2018.**

Petition Filing No.139 of 2018.

Date of institution:12.01.2018.

Date of decision: **20.05.2019.**

Navdeep Singh, age 28 years, son of late Sh. Kashmir Singh, resident of Ward No.14, Anjanthali road, near Shiv Mandir, Lal Bihar Colony, Taraori, District Karnal. Aadhaar No.562644306586.

**...Petitioner.**

Versus

1. General Public.
2. State Bank of India, Taraori, District Karnal through its Branch Manager.

**...Respondents.**

***PETITION U/S 372 OF THE INDIAN SUCCESSION ACT  
FOR THE GRANT OF SUCCESSION CERTIFICATE.***

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Present: Shri Amit Kamboj, Advocate for the petitioner.  
GP/Respondent No.1 already exparte V.O.D. 26.02.2018.  
Ms. Sangeeta Mehta, Advocate for respondent No.2.

**JUDGMENT:-**

The present petition has been filed by the petitioner under Section 372 of the Indian Succession Act, for grant of Succession Certificate in respect of the estate of deceased Kashmir Singh and Jasbir Kaur, wife of Kashmir Singh.

2. Briefly stated, the facts of the petition are that Kashmir Singh, son of Balkar Singh and Jasbir Kaur, wife of Kashmir Singh died on

04.02.2011 and 11.09.2017 respectively. Petitioner Navdeep Singh is the only real son of both the deceased and except him, there is no other legal heir of both the deceased. Both the deceased namely Kashmir Singh and Jasbir Kaur were the holder of one locker bearing No.167, Key No.A-23764, SDV No.49599747014 pertaining to State Bank of India, Taraori, Karnal. Shri Kashmir Singh, father of the petitioner, had expired on 04.02.2011 and after his death, the aforesaid locker was being used by Smt. Jasbir Kaur, mother of the petitioner, who had expired on 11.09.2017 and after their death, petitioner is the only legal heir of both the deceased and entitled for the succession certificate for opening the locker and to receive the articles lying therein. Hence, the present petition for grant of succession certificate in respect of estate of deceased Kashmir Singh and Jasbir Kaur, wife of Sh. Kashmir Singh.

3. Notice was issued to respondent No.1-General Public through publication, but none appeared on behalf of respondent No.1-General Public to contest the claim of the petitioner and was accordingly proceeded as against exparte vide order dated 26.02.2018.

4. Upon notice, respondent No.2 appeared through its counsel and filed written statement, wherein it was admitted that Kashmir Singh, son of Balkar Singh and Jasbir Kaur, wife of Kashmir Singh are the holders of one locker bearing No.167, Key No.A-23764, SDV No.49599747014. The other averments of the plaint were denied as wrong and incorrect and prayed for dismissal of the petition.

5. Replication was not filed. From the pleadings of the parties, the following issues were settled vide order dated 31.05.2018:-

1. Whether the petitioner is entitled for grant of succession certificate on the ground, as prayed for? OPP
  2. Whether the petition is not maintainable in the present form? OPR
  3. Relief.
6. In order to prove his case, petitioner got examined himself as **PW1** and tendered into his evidence his affidavit Ex.PW1/A, wherein he reiterated the averments of the petition. The petitioner further tendered into evidence documents i.e. copy of death certificate of Kashmir Singh as Ex.P1, copy of death certificate of Jasbir Kaur as Ex.P2, copy of driving licence of Kashmir Singh as Ex.P3, copy of voter ID card of Kashmir Singh as Ex.P4, copy of Aadhaar card of Jasbir Kaur as Ex.P5, copy of voter ID card of Jasbir Kaur as Ex.P6, copy of his Aadhaar card as Ex.P7, copy of ration card of his family as Ex.P8, copy of first page of his cheque book as Ex.P9, copy of cheque as Ex.P10 and copy of agreement for hiring of locker as Mark-A.
7. Thereafter, petitioner Navdeep tendered documents i.e. application for impleading himself as legal heir of deceased Jasbir Kaur as Ex.P11 and his affidavit as Ex.P12 and thereafter, closed the evidence of petitioner, vide his separate statement dated 08.01.2019.
8. Thereafter, learned counsel for respondent No.2 closed the evidence of respondent No.2, vide his separate statement dated 15.02.2019.
9. I have heard learned counsel for the parties and have gone through the case file carefully and meticulously. My issue-wise findings are as under:

**ISSUE NO.1:-**

10. Onus to prove issue No.1 was upon the petitioner. The present petition has been filed by petitioner for issuance of Succession Certificate in respect of estate of Kashmir Singh and Jasbir Kaur, wife of Kashmir Singh (since deceased) being their only legal heir. The petitioner has placed on record death certificate of his father Kashmir Singh and his mother Jasbir Kaur as Ex.P1 and Ex.P2. It is the case of the petitioner that deceased Kashmir Singh and Jasbir Kaur were his parents, who died on 04.02.2011 and 11.09.2017, leaving behind petitioner as their only legal heir. To prove this fact, petitioner got examined himself as PW1, who tendered his affidavit Ex.PW1/A while reiterating the averments of the petition. He further relied upon documents i.e. Ex.P8 ration card of his family and Ex.P11 report of Tehsildar, Nilokheri, which is mentioned on the application, moved by him to implead himself as legal heir of deceased Jasbir Kaur. The perusal of both these documents shows that petitioner Navdeep is the only legal heir of deceased Jasbir Kaur. Further, it is an admitted fact that Kashmir Singh, son of Balkar Singh and Jasbir Kaur, wife of Kashmir Singh are the holders of one locker bearing No.167, key No.A-23764, SDV No.49599747014 and after the death of the father of the petitioner, the aforesaid locker was being used by the mother of the petitioner namely Jasbir Kaur.

11. Thus, from the oral as well as documentary evidence, it stands established that except petitioner, there is no other legal heir of deceased Kashmir Singh and Jasbir Kaur, wife of Kashmir Singh. Moreover, the evidence so led by the petitioner has gone un rebutted, as none had appeared on behalf of respondent No.1-General Public to contest the claim of the

petitioner and respondent No.2 has not led any evidence. Accordingly, issue no.1 is hereby decided in favour of the petitioner and against the petitioner.

**ISSUE NO.2 :-**

12. Onus to prove this issue was upon respondent No.2. However, this issue was not pressed during arguments and accordingly, is disposed of being not pressed.

13. In view of my findings on abovesaid issues, especially on issue No.1, the petitioner is entitled for issuance of Succession Certificate in his favour in respect of one locker bearing No.167, Key No.A-23764, SDV No.49599747014 in State Bank of India, Taraori, Karnal belonging to Sh.Kashmir Singh and Smt. Jasbir Kaur(since deceased). The present petition is **allowed** accordingly and the succession certificate be issued in favour of the petitioner in respect of aforesaid locker, on filing of requisite stamp papers within a period of two months. No orders as to costs. Memo of costs be prepared accordingly. After due compliance, file be consigned to the record room.

**Pronounced in open Court:  
Dated:20.05.2019.**

**(Sukirti)  
Addl.Civil Judge (Sr.Divn.),  
Karnal. (HR-0258)**

All the 5 pages have been checked and signed by me.

**(Sukirti)  
ACJ(SD),Karnal,  
20.05.2019.**

*Typed by  
Dev Raj, Stenographer Gr.II.*

*I attest to the accuracy  
and authenticity of this document*

**(Sukirti)  
ACJ(SD), Karnal.**