

In the court of Principal District Judge Shopian.

File No
01/S

Date of institution
01.02.2018

Present Ashok Kumar

Date of decision
04.04.2018

1. Showkat Ahmad Thokar
2. Javid Ahmad Thokar
Sons of Late Mst Hajira Begum & Abdul Gani Hajam
R/O. Naidi-Gund Trenz Shopian

Versus

(Petitioners)

1. Abdul Gani Hajam S/o Wali Mohammad Hjam
R/o Naid Gund Trenz Shopian
2. Mst. Meema D/o Abdul Gani Hajam
W/o Mohammad Asif Mir
R/o Watoo Adabal Tehsil D.H. Pora Kulgam
3. Public at large

(Respondents)

Application for grant of Succession certificate.

ORDER

This is an application for grant of succession certificate in favour of the applicants in respect of the debts and securities mentioned in the application stated to have been left by one Mst Hajira Begum W/o Abdul Gani Hajam D/o Gh Rasool Thokar R/o Naid Gund Trenz Shopian.

The application was presented on 1.02.2018. In the meantime a proclamation was directed to be issued, so as to inform public at large regarding filing of the application and enable anyone having any objection to grant of succession certificate in favour of applicant or a rival claim in respect of the amount in question, come forward and file objections/counter claim to the application. The proclamation / public notice has been published in daily newspaper "**Daily Kashmir Uzma**" in its issue dated 05th February 2018. The newspaper has been received and is on the file.

W/o. Abdul Gani Hajam D/o. Gh

Briefly stated the applicant's case is that deceased Mst Hajira Begum passed away on 04/03/2016 leaving behind the petitioners (sons) and respondents (husband) and respondent No 2 (daughter) of deceased as her legal heirs.

No body on behalf of general public has appeared before this court.

Respondents No.1 & 2 have appeared in the court on 24.02.2018 and have submitted the objections wherein they have deposed that they have no objection if the succession certificate is granted in favour of the petitioners. In this regard, their statements along-with statement of identifying witness has been recorded and made part of the file .

Applicants have produced two witnesses namely Mohd Amin Dar S/o Abdul Ahad Dar and Gh Ahmad Hajam S/o Mohd Sultan Hajam, besides statement of applicant No 2 as his own witness has been recorded. They have stated that they know the parties and also the deceased. They have stated that parties to the suit are the legal heirs of the deceased.

I have heard Ld. Counsel for the applicant and perused the material on record.

The statement of witnesses does prove that parties are legal heirs of deceased and respondent No.1 & 2 having relinquished their share in favour of petitioners. Therefore, this application is accepted and succession certificate in respect of debts and securities mentioned in the application i.e Rs 2,46,000/- lying with J&K Bank Branch unit H.R Shopian is granted in favour of applicants in equal shares along-with interest if any, subject to the furnishing indemnity bond by the applicants to the effect that in the event any other person making out a better claim to the said amount, they shall reimburse the same. The certificate be issued accordingly after requisite Court fee is paid. The application is accordingly disposed of and shall go to records after its due completion.

Announced

04 .04.2018

(Pr. District & Sessions Judge)

Shopian

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(Respondents)

SUCCESSION CERTIFICATE

Whereas you applied on 1/02/2018 for a certificate under Succession Certificate Act in respect of the following debts and securities left behind by deceased Ms Hajira Begum W/o Abdul Gani Hajam D/o Gh Rasool Thokar R/o Naid Gund Trenz

S. No	Name of debtor	Amount of debt including interest on date of application for certificate	Description and date of instrument, if any, by which debts is secured
01	J&K Bank Branch unit H.R. Sopian	Rs 2,46,000	A/C No KCC- 684
	Total	Rs.21,49,885-00	

Since the respondents have surrendered their respective shares in favour of the petitioner, hence the petitioners shall be entitled to receive the whole amount in equal shares. Court fee of Rs.7380/- has been deposited in terms of stamp which stands accepted and accordingly cancelled by this court. The petitioner has also furnished indemnity bond which stands attested by this court.

You are therefore authorized and empowered to collect the whole amount as mentioned above from the concerned bank.

Issued today the 17th day of April 2018 under my hand and seal of this court.

Principal District Judge
Shopian