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Exhibit No. : 34.

IN THE COURT OF 2nd JT. CIVIL JUDGE, J.D. NASHIK-ROAD.

Dist: Nashik

(Presided over by Aarti Shinde)

Civil Misc.Appln.No.1/2018

(CNR No. MHNS05-000126-2018)

Mr. Abhijit Ulhas Sant,
Age. 39 yrs., Occu. Service
R/o. Vishwa Krishna, Shriram Society,
Upnagar, Nashik,
Dist. Nashik. **Applicant**

-V/s-

1. Mrs. Pranali Ulhas Sant,
Age. 64 yrs., Occu. Housewife.
2. Mrs. Amruta Tushar Behere,
Age. 36 Yrs., Occu. Housewife.
Both R/o. Vishwa Krishna, Shriram Society,
Upnagar, Nashik,
Dist. Nashik. **Non-applicant**

Appearance by :- Smt. Shama Sangmuli, Adv. for the applicants.

**APPLICATION FOR GRANT OF SUCCESSION CERTIFICATE
UNDER SECTION 372 OF INDIAN SUCCESSION ACT, 1925.**

J U D G M E N T
(Delivered on this 24th, June, 2019)

This is an application for grant of succession certificate under section 372 of Indian Succession Act, 1925 moved by the applicant.

The brief facts of the application are as under :-

2. The applicant is the son and non applicant no.1 is widow and non -applicant no.2 is the daughter of deceased Ulhas Sarvottam Sant, who died on 10/10/2015. The deceased Ulhas Sarvottam Sant left behind movable assets i.e. 200 securities in DP ID IN 300476 and holding INE421C01016 of TVS Srichakra Ltd., the deceased was also owner of the Car Chevrolet Aveo, bearing registration number MH 15 BN-4416 and two wheeler vehicle, Bajaj Auto Pulsar bearing registration number MH-15 BA-0490. The applicant wants to claim the said movable property and hence, the present application is made.

3. It is further submitted that, deceased Ulhas Sarvottam Sant is survived by his son, widow and daughter and they are the only legal heirs . The deceased died at Upnagar, Tal. Dist. Nashik. Therefore, this court has territorial jurisdiction to grant the present application. The notice by way of paper publication and citation was issued. The paper publication was accordingly done by the applicant in the daily news paper “Punynagari” on 03.05.2018. Nobody appeared in response to the paper publication to object the application. Hence, the application proceeded further.

4. From the facts and circumstances and the evidence brought on record following points arose for my determination and the findings thereon are as under :-

Sr.No	Points for consideration	Findings
1	Whether the applicant proves that he is the successor of the deceased Ulhas Sarvottam Sant in order to get the succession certificate ?	...Affirmative
2	Whether the applicant is entitled to put his claim on aforesaid 200 securities in DP ID IN 300476 and holding INE421C01016 of TVS Srichakra Ltd., and upon the Car Chevrolet Aveo, bearing registration number MH 15 BN-	...Affirmative

	4416 and two wheeler vehicle, Bajaj Auto Pulsar bearing registration number MH-15 BA-0490, which is in the name of deceased Ulhas Sarvottam Sant ?	
3	What order ?	..As per final order

REASONS

As to point nos. 1 & 2 :-

5. The applicant and non-applicants by way of this application put-forth themselves as the successor of the deceased Ulhas Sarvottam Sant in order to put their claim on aforesaid 200 securities in DP ID IN 300476 and holding INE421C01016 of TVS Srichakra Ltd., and upon the Car Chevrolet Aveo, bearing registration number MH 15 BN-4416 and two wheeler vehicle, Bajaj Auto Pulsar bearing registration number MH-15 BA-0490,, which is in the name of deceased Ulhas Sarvottam Sant. In support of said contention, applicant recorded his evidence at Exh.13 and also filed certain documents such as death certificate of Ulhas Sarvottam Sant at Exh.20, Verified copies of Pan Cards of applicant and non applicants at Exh. 31 to 33. A Depository Participant of NSDL holding statement dated 28/02/2019 at Exh.21, R.C. book Chevrolet Aveo MH 15 BN 4416 at Exh. 22, the insurance certificate cum policy shedule Bajaj Auto Pulsar bearing no. MH 15 BA 0490 at Exh. 26 , Chartered Engineers Valuation Certificate for MH 15 BA 0490 and MH 15 BN 4416 at Exh. 27 and 28. .

6. On perusal of aforesaid documents, it is clear that the deceased Ulhas Sarvottam Sant died on 10.10.2015. It is nowhere disputed that the applicant and non-applicants are the only legal heirs of the deceased Ulhas Sarvottam Sant. Applicant has stated on oath that he is the son and non-applicant No.1 is widow and non-applicant no. 2 is daughter of deceased Ulhas Sarvottam Sant. There are no other legal heirs of deceased Ulhas

Sarvottam Sant, who has priority claim over the applicant as applicant and non-applicants are class -1 heirs of deceased Ulhas Sarvottam Sant. The paper publication is filed on record at Exh.19, which shows that the applicant has issued paper publication and public notice in order to get the objections, if any to their claim. However, nobody raised any objection. The non-applicants have given no objection for issuance of succession certificate in name of applicant below Exh.16 and 17.

7. Applicant has successfully proved himself to be the successor of deceased Ulhas Sarvottam Sant as the class-1 legal heirs. Applicant has filed the cogent and convincing evidence on record. Therefore, applicant is entitled to claim his right over the 200 securities in DP ID IN 300476 and holding INE421C01016 of TVS Srichakra Ltd., and upon the Car Chevrolet Aveo, bearing registration number MH 15 BN-4416 and two wheeler vehicle, Bajaj Auto Pulsar bearing registration number MH-15 BA-0490 which is in the name of deceased Ulhas Sarvottam Sant.

8. The applicant has filed on record the statement of TVS Srichakra Ltd. Showing the 200 securities worth Rs. 4,52,800/- and the valuation certificate of Bajaj Auto Pulsar showing its fair value as on date of Rs.1500/- and the fair value of Chevrolet Aveo of Rs. 15000/-. Accordingly, applicant shall pay court fees on the aforesaid amount i.e. Rs.4,69,300=00. Non-applicant no.1 and 2 being widow and daughter of deceased Ulhas Sarvottam Sant have given their no objection for issuance of succession certificate in the name of applicant. As such, the applicant become the successor for putting and claiming his rights over the aforesaid assets as narrated in the application. Hence, I have answered point nos. 1 and 2 in affirmative as “proved”.

As to point no. 3 :

9. In view of the affirmative findings as to point nos. 1 and 2, I

hold that the applicant is entitled to get the succession certificate being the successor of deceased in order to get the aforesaid 200 assets of TVS Shri Chakra Ltd. And the Cheverolet Aveo Car and Bajaj Pulsar two Wheeler which is in the name of deceased Ulhas Sarvottam Sant. Therefore, applicant shall affix court fee stamp for the amount of Rs.4,69,300=00. Compliance of court fee stamp shall be made by the applicant accordingly.

10 . Hence, following order is passed.

ORDER

- i) Application is allowed.
- ii) It is declared that applicant Abhijit Ulhas Sant is the legal heirs of deceased deceased Ulhas Sarvottam Sant and he is entitled to get the aforesaid 200 assets of TVS Shri Chakra Ltd. And the Chevolet Aveo Car and Bajaj Pulsar two Wheeler, which are in the name of deceased Ulhas Sarvottam Sant.
- iii) Accordingly, Succession Certificate be issued in favour of applicant on depositing necessary court fees as per rules.
- iv) The operative part of the order shall be the part of Succession Certificate.
- v) Assistant Superintendent to verify the court Fees.

Place:Nashik-road.

Date: 24.06.2019

(Aarti Shinde)

**2nd Jt. Civil Judge, Jr. Div.,
Nashik-road.**