

KAMD500009822023



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC.,
NAGAMANGALA**

Present

Sri. DEEPAK PATIL, B.Sc., LL.B.

Senior Civil Judge & JMFC., Nagamangala.

Dated 23rd day of January 2024

P & SC. No.01/2023

Petitioner : Girisha N. S/o Narasimhegowda,
Aged about 44 years,
R/at Halthi village, Kasaba Hobli,
Nagamangala Taluk.

Presently R/at #5, Nagaraholenagara,
Herohalli, Bengaluru North.

(By Sri. S.L., Advocate.)

Vs.

Respondent : NIL

ORDER

The petitioner has filed the petition U/s 372 of Indian Succession Act, seeking Succession Certificate.

2. According to the petitioner his father by name Narasimhegowda S/o. Mudalagirigowda died on 02.11.2022 and his mother by name Lakshmamma W/o Narasimhegowda died on 20.12.2018 leaving behind the petitioner as their heir. The petitioner's father had deposited the sum of Rs.85,960/- in the fixed deposit in State Bank of India, Nagamangala branch vide account No.37051556271 and its maturity value was Rs.92,318/-. Thereafter on 31.07.2023 the maturity value of the fixed deposit became Rs.1,17,609/-. At the time of keeping the said amount in the fixed deposit, the petitioner's mother Lakshmamma was nominee to said fixed deposit. The petitioner being the nearest relative and legal heir of the deceased Narasimhegowda is entitled to get the amount kept by his father in the fixed deposit. Therefore the petitioner asked concerned bank for release of said fixed deposit amount to him. The concerned bank asked him to get the succession certificate from the competent Civil Court.

3. The petitioner being the son and legal heir of deceased Narasimhegowda S/o. Mudalagirigowda succeeded to the debts and securities left behind by the deceased. Hence he prayed to issue succession certificate in his name in respect of above said debts and securities.

4. After registering the case the citation was issued in Kannada daily news paper calling upon the objections of interested persons if any. None appeared and objected in pursuance of citation.

5. To substantiate his case, the Petitioner has examined himself as PW.1 and got marked 5 documents as Ex.P1 to 5.

6. Heard arguments and perused materials available on record.

7. The following points arise for consideration.

1. Whether the Petitioner is entitled for the succession certificate in respect of the debts and securities left behind by deceased Narasimhegowda S/o. Mudalagirigowda?
2. What order?

8. Findings to the above points are as under.

Point No.1: In the Affirmative.

Point No.2: As per final order for the following:

REASONS

9. **POINT No.1:-** The petitioner has sought for the succession certificate in respect of the debts and securities left behind by deceased Narasimhegowda S/o. Mudalagirigowda. In order to substantiate his case the petitioner has pleaded and has stated in his evidence that his father by name Narasimhegowda S/o. Mudalagirigowda died on 02.11.2022 and his mother by name Lakshamma W/o Narasimhegowda died on 20.12.2018 leaving behind him as their heir. His father had deposited the sum of Rs.85,960/- in the fixed deposit in State Bank of India, Nagamangala branch vide account No.37051556271 and its maturity value was Rs.92,318/-. Thereafter on 31.07.2023 the maturity value of the fixed deposit became Rs.1,17,609/-. At the time of keeping the said amount in the fixed deposit, his mother Lakshamma was nominee to said fixed deposit. He being the

nearest relative and legal heir of the deceased Narasimhegowda is entitled to get the amount kept by his father in the fixed deposit. Therefore he asked concerned bank for release of said fixed deposit amount to him. The concerned bank asked him to get the succession certificate from the competent Civil Court. He being the son and legal heir of deceased Narasimhegowda S/o. Mudalagirigowda succeeded to the debts and securities left behind by deceased.

10. As none appeared in pursuance of citation and objected for same, the oral evidence of PW-1 remained unchallenged.

11. The petitioner has produced the genealogy, original fixed deposit receipt, death certificates of his parents and attested copy of his Aadhar card marked as Ex.P1 to P5

12. From the oral evidence of PW-1 and above said documents it is clear that the father of petitioner by name Narasimhegowda S/o. Mudalagirigowda died intestate, on 02.11.2022 at Halhi village of Nagamangala Taluk, leaving behind the above mentioned debts and securities and petitioner as his nearest relative. From the fixed deposit receipt marked as Ex.P.2 it is clear that the net payable maturity amount as on 31.07.2019 is Rs. 92,318/- and as per the petitioner as on 31.07.2023 the same has become of Rs.1,17,609/-.

13. It is pertinent to note here that the succession certificate issued by the court does not depict that the persons named in certificate are the successors of deceased. The issuance

of succession certificate does not decide the question of title. Even if some other persons are legal heirs of deceased then it is always open to them to file suit and establish their right. The succession certificate issued by the court empowers the holders of certificate only to receive money from authority. Any finding given by the court in succession certificate does not operate as Res-judicata and despite grant of succession certificate suit can be filed to declare the status. The holder of succession certificate is mere trustee and he has to distribute the securities and money received by him among the persons entitled. The succession certificate issued by the court does not confirm any status on the holder of certificate.

14. Therefore the petitioner being the son and nearest relative of deceased, there is no any legal impediment for issuance of succession certificate in his favour in respect of the debts and securities left behind by the deceased. The petitioner is entitled for the succession certificate of debts and securities as claimed by him. Hence for all these reasons answer to Point No.1 is in Affirmative.

15. **POINT No. 2:-** For the reasons assigned above, the following:

ORDER

The petition filed under Section 372 of Indian Succession Act is allowed.

The office is directed to issue succession Certificate in respect of the

above mentioned debts and securities i.e. net payable fixed deposit amount of Rs. 92,318/- as on 31.07.2019 and as per the petitioner Rs.1,17,609/- as on 31.07.2023 left behind by deceased Narasimhegowda S/o. Mudalagirigowda, as sought by the petitioner, in favour of the petitioner after deposit of necessary court fee in accordance with law.

(Dictated to the stenographer directly on computer, typed by him, corrected and then pronounced by me in the open court on 23rd day of January 2024)

(DEEPAK PATIL)
Senior Civil Judge & JMFC.,
Nagamangala.

ANNEXURE

Witnesses examined on behalf of the Petitioner:

PW1 - Girisha N.

Exhibits marked on behalf of the Petitioner:

Ex.P1 - Genealogy affidavit

Ex.P2 - Fixed Deposit Receipt

Ex.P3 & 4 - Death certificates

Ex.P5 - Copy of Aadhard card of PW1

Witnesses examined on behalf of the Respondent:

-NIL-

Exhibits marked on behalf of the Respondent:

-NIL-

(DEEPAK PATIL)
Senior Civil Judge & JMFC.,
Nagamangala.