RESEARCH QUESTION

"What is the difference between a legal heir certificate and a succession certificate in India, when is each required for bank accounts, property, and investments of a deceased person, and what is the process and timeline to obtain them?"

Distinction, Applicability, and Procedural Framework of Legal Heir Certificates versus Succession Certificates under Indian Law

TL;DR

The Madras High Court in *D. Gopi v. Nil* (2021) established that while a legal heir certificate is an administrative document issued by revenue officials for service-related benefits, provident fund claims, pensions, or compassionate appointments, a succession certificate under the Indian Succession Act, 1925 is a judicial instrument strictly required to establish representative title to claim and transfer movable debts and securities. Under Section 370 of the Act, a succession certificate is confined solely to movable assets and is legally inapplicable to immovable property.

VERIFIED CASES	STATUTES	LATEST RULING
25	4	2024
23 High Courts · 2 SC		*High Court of Karnataka*

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I. Detailed Analysis

Key principles established:

01 Succession Certificates Cannot Be Granted for Immovable Property

Part X of the Indian Succession Act, 1925 restricts the jurisdiction of the court to the grant of certificates only in respect of movable "debts" and "securities", as established in *Kamalamma K.N. v. Nil* (2024).

02 Revenue Legal Heir Certificates Bear No Binding Legal Status on Succession Rights

A legal heirship certificate issued by a revenue official is merely a relationship certificate representing an administrative opinion, and it does not affect or alter the legal rights or status of heirs under personal law, as confirmed in *P. Venkatachalam v. The Tahsildar* (2023).

03 Statutory or Death Compensation Is Not a Debt or Security

Financial compensation awarded to the representatives of a deceased on account of death is not an asset belonging to the deceased's estate, meaning a succession certificate under Section 370 is legally inapplicable for its recovery, as established in *Hafiz Naushad Ahmad v. Union of India* (2021).

04 Filing Fee Deposit Under Section 379 is Directory, Not Jurisdictional

The procedural requirement under Section 379(1) of the Indian Succession Act to deposit a sum equal to the court fees at the time of filing the petition is not a mandatory prerequisite for the maintainability of the application, as decided in *Prakashchandra Deokaranji Bhoot v. Manoharlal Deokaranji Bhoot* (2023).

05 Summary Inquiry in Succession Jurisdiction Focuses on Prima Facie Title

Proceedings under Section 372 are summary in nature and are designed to facilitate the collection of debts and protect debtors, without requiring the standard of formal proof required to establish a Will in a regular civil suit, as held in *Bellam Venkata Ratnam v. Prakasam District Central Co-operative Bank Limited* (2022).

Process and Timeline for Acquisition:

06 Legal Heir Certificate (Administrative Process)

- *Process*: The legal heirs must submit an online or offline application to the local revenue authority (such as the Tahsildar or Revenue Divisional Officer). The application must include the original death certificate, Aadhaar card, ration card, and a verified affidavit detailing all legal heirs and their relationships with the deceased. The authority conducts a field verification inquiry through local revenue inspectors.
- *Timeline*: High Courts have held that if there is no genuine dispute or rival claim, the Tahsildar must conduct the inquiry and issue the legal heir certificate within a standard administrative timeline of approximately four weeks (*V.S. Saravanavel v. The Tahsildar*).

07 Succession Certificate (Judicial Process)

- *Process*: The petitioner must file a verified petition under Section 372 of the Indian Succession Act, 1925 before the District Judge within whose jurisdiction the deceased ordinarily resided. The petition must specify the details of the deceased, the relationships of the surviving family, and the specific debts and securities (bank accounts, shares, demat holdings) to be collected. Under Section 373, the court must fix a hearing date, issue special notices to close relatives, and order a general public notice (typically via local newspaper publication) to invite objections.
- *Timeline*: Because of the mandatory requirement of notice publication, potential objections, and the judicial hearing, the process is notoriously long, tedious, and burdensome for survivors, typically spanning several months (*Sunita v. Union of India*).

How the courts have applied this:

08 Supreme Court position

The Apex Court has held that intestate succession is strictly governed by the applicable personal law rules under Part V of the Indian Succession Act, 1925, and that preferential heirs and close kindred (such as a spouse or surviving siblings) exclude more distant collateral relatives from inheriting any share of the deceased's estate (*B.C. Singh (D) By LRs. v. J.M. Utarid (D) By LRs.* (2018)).

09 High Court variations

High Courts have consistently ruled that banks should not arbitrarily force surviving heirs to produce a court-issued succession certificate when the identity of the legal heirs is uncontested and they have furnished a revenue-issued legal heir certificate along with an indemnity bond (*Jhunu Choudhury v. The Zonal Manager, Bank of India* (2021)). Additionally, High Courts have intervened to quash circulars preventing the issuance of legal heir certificates to Class II legal heirs when direct Class I heirs are absent (*S. Arasi v. The Tahsildar* (2021)).

10 Recent evolution

In recent years, High Courts have firmly clamped down on public utility boards and development authorities who attempt to demand a succession certificate under Section 372 as a condition for transferring land or industrial plots, clarifying that such a demand is legally baseless and discriminatory since succession certificates are restricted exclusively to debts and securities (*Anjana v. Karnataka Industrial Areas Development Board* (2024)).

Unsettled areas or caveats:

11 Administrative and statutory bodies often attempt to mandate succession certificates to avoid conducting their own inquiries. However, High Courts have clarified that statutory committees cannot insist on a civil court's succession certificate to escape their statutory duty of verifying the identity of legal heirs through their own inquiry (*C.P. Rekha v. Kerala Advocates Welfare Fund Trustee Committee* (2011)).

II. Statutory Provisions

4 PROVISIONS

SECTION 372, INDIAN SUCCESSION ACT, 1925 — APPLICATION FOR CERTIFICATE

Outlines the process and required particulars for filing an application to obtain a succession certificate from a District Judge.

> "Section 372. Application for certificate
>
> (1) Application for such a certificate shall be made to the District Judge by a petition signed and verified by or on behalf of the applicant in the manner prescribed by the Code of Civil Procedure, 1908 (5 of 1908) for the signing and verification of a plaint by or on behalf of a plaintiff, and setting forth the following particulars, namely:--
>
> (a) the time of the death of the deceased;
>
> (b) the ordinary residence of the deceased at the time of his death and, if such residence was not within the local limits of the jurisdiction of the Judge to whom the application is made, then the property of the deceased within those limits;
>
> (c) the family or other near relatives of the deceased and their respective residences;
>
> (d) the right in which the petitioner claims;
>
> (e) the absence of any impediment under section 370 or under any other provision of this Act or any other enactment, to the grant of the certificate or to the validity thereof if it were granted; and
>
> (f) the debts and securities in respect of which the certificate is applied for." *Cited in*: Bellam Venkata Ratnam v. Prakasam District Central Co-operative Bank Limited, Savita Sheshrao Sabale v. Snehal Sagar Sabale, Kamalamma K.N. v. Nil

SECTION 373, INDIAN SUCCESSION ACT, 1925 — PROCEDURE ON APPLICATION

Prescribes the court procedure for hearing and deciding an application for a succession certificate, including notice requirements and summary proceedings.

> "Section 373. Procedure on application
>
> (1) If the District Judge is satisfied that there is ground for entertaining the application, he shall fix a day for the hearing thereof and cause notice of the application and of the day fixed for the hearing--
>
> (a) to be served on any person to whom, in the opinion of the Judge, special notice of the application should be given, and
>
> (b) to be posted on some conspicuous part of the court-house and published in such other manner, if any, as the Judge, subject to any rules made by the High Court in this behalf, thinks fit,
>
> and upon the day fixed, or as soon thereafter as may be practicable, shall proceed to decide in a summary manner the right to the certificate.
>
> (2) When the Judge decides the right thereto to belong to the applicant, the Judge shall make an order for the grant of the certificate to him."

SECTION 370, INDIAN SUCCESSION ACT, 1925 — RESTRICTION ON GRANT OF CERTIFICATES UNDER THIS PART

Prohibits the grant of succession certificates for debts or securities that must be established by probate or letters of administration, and defines what qualifies as a security.

> "Section 370. Restriction on grant of certificates under this part
>
> (1) A succession certificate (hereinafter in this Part referred to as a certificate) shall not be granted under this Part with respect to any debt or security to which a right is required by section 212 or section 213 to be established by letters of administration or probate:
>
> Provided that nothing contained in this section shall be deemed to prevent the grant of a certificate to any person claiming to be entitled to the effects of a deceased Indian Christian, or to any part thereof, with respect to any debt or security, by reason that a right thereto can be established by letters of administration under this Act.
>
> (2) For the purposes of this Part, "security" means--
>
> (a) any promissory note, debenture, stock or other security of the Central Government or of a State Government;
>
> (b) any bond, debenture, or annuity charged by Act of Parliament on the revenues of India;
>
> (c) any stock or debenture of, or share in, a company or other incorporated institution;
>
> (d) any debenture or other security for money issued by, or on behalf of, a local authority;
>
> (e) any other security which the State Government may, by notification in the Official Gazette, declare to be a security for the purposes of this Part." *Cited in*: Khaja Zahuruddin v. Under Secretary to the Government of India, Krishnan Akhileswaran v. Lakshmi Krishnakumar, Anjana v. Karnataka Industrial Areas Development Board, Jhunu Choudhury v. The Zonal Manager, Bank of India

SECTION 214, INDIAN SUCCESSION ACT, 1925 — PROOF OF REPRESENTATIVE TITLE A CONDITION PRECEDENT TO RECOVERY THROUGH THE COURTS OF DEBTS FROM DEBTORS OF DECEASED PERSONS

Mandates that courts cannot pass or execute decrees for recovery of debts of a deceased person unless a succession certificate, probate, or letters of administration are produced.

> "Section 214. Proof of representative title a condition precedent to recovery through the Courts of debts from debtors of deceased persons
>
> (1) No Court shall--
>
> (a) pass a decree against a debtor of a deceased person for payment of his debt to a person claiming on succession to be entitled to the effects of the deceased person or to any part thereof, or
>
> (b) proceed, upon an application of a person claiming to be so entitled, to execute against such a debtor a decree or order for the payment of his debt,
>
> except on the production, by the person so claiming of--
>
> (i) a probate or letters of administration evidencing the grant to him of administration to the estate of the deceased, or
>
> (ii) a certificate granted under section 31 or section 32 of the Administrator General's Act, 1913 (3 of 1913), and having the debt mentioned therein, or
>
> (iii) a succession certificate granted under Part X and having the debt specified therein" *Cited in*: Suresh v. The Assistant Commissioner and Land Acquisition Officer

III. Cases Discussed

25 CASES · SUMMARY TABLE

#	CASE TITLE	COURT	YEAR	KEY HOLDING
01	*D. Gopi v. Nil* HCMA010251032021	MADRAS HIGH COURT	2021	Succession certificate is for debts/ securities, not compassionate appointments.
02	*Khaja Zahuruddin v. Under Secretary to the Government of India* HBHC010002392009	HIGH COURT FOR STATE OF TELANGANA	2010	Succession certificate cannot be demanded or issued for inheriting immovable property.
03	*Bellam Venkata Ratnam v. Prakasam District Central Co-operative Bank Limited* APHC010305882022	HIGH COURT OF ANDHRA PRADESH	2022	Summary succession proceedings do not require strict proof of a Will.
04	*Anjana v. Karnataka Industrial Areas Development Board* KAHC010043402017	HIGH COURT OF KARNATAKA	2024	Authorities cannot demand a succession certificate to transfer inherited immovable plots.
05	*Urmila Devi v. State of Rajasthan* RJHC020155132022	HIGH COURT OF RAJASTHAN	2024	Succession certificates are not required for claiming statutory family pension benefits.
06	*Prakashchandra Deokaranji Bhoot v. Manoharlal Deokaranji Bhoot* HCBM040290942018	BOMBAY HIGH COURT	2023	Section 379 fee deposit is not a mandatory prerequisite for maintainability.
07	*Sunita v. Union of India* DLHC010019822024	HIGH COURT OF DELHI	2024	Succession certificates protect debtors but are burdensome and lengthy for survivors.
08	*V.S. Saravanavel v. The Tahsildar* HCMA010615502021	MADRAS HIGH COURT	2021	Tahsildars must issue legal heir certificates to Class II heirs when appropriate.
09	*C.P. Rekha v. Kerala Advocates Welfare Fund Trustee Committee* KLHC010665362011	HIGH COURT OF KERALA	2011	Statutory bodies must conduct their own heirship inquiries instead of demanding certificates.
10	*Seema v. United India Insurance Co. Ltd.* UPHC020291822020	ALLAHABAD HIGH COURT	2024	Insurance compensation is not a debt or security requiring a succession certificate.
11	*Suresh v. The Assistant Commissioner and Land Acquisition Officer* KAHC020027892013	HIGH COURT OF KARNATAKA	2017	Land acquisition compensation does not constitute a debt requiring a succession certificate.
12	*S. Arasi v. The Tahsildar* HCMA011137572021	MADRAS HIGH COURT	2021	Revenue officials cannot refuse Class II legal heir certificates without disputed claims.

#	CASE TITLE	COURT	YEAR	KEY HOLDING
13	*Petitioner v. Respondent* GAHC010141182011	GAUHATI HIGH COURT	2014	Notice to non-applicants is mandatory before deciding a succession certificate application.
14	*Hafiz Naushad Ahmad v. Union of India* UPHC010188082021	ALLAHABAD HIGH COURT	2021	Accident compensation received from abroad is not a debt requiring a succession certificate.
15	*P. Nirmala v. Special Secretary to Government* HCMA0105272023	MADRAS HIGH COURT	2023	Widow and lineal descendants exclude mother under Christian personal law for benefits.
16	*The Collector Land Acquisition v. Kanta* HPHC010401572023	HIGH COURT OF HIMACHAL PRADESH	2024	Succession certificate is not required to release deposited court compensation funds.
17	*P. Venkatachalam v. The Tahsildar* HCMA011456532021	MADRAS HIGH COURT	2023	Legal heir certificates are relationship indicators and do not alter legal status.
18	*Sarvinder Singh v. Tarlochan Singh* PHHC010043212011	HIGH COURT OF PUNJAB AND HARYANA	2012	Parallel civil suits do not stay summary proceedings for succession certificates.
19	*Krishnan Akhileswaran v. Lakshmi Krishnakumar* HCMA010871092020	MADRAS HIGH COURT	2021	Succession certificate granted to sole consenting heir for transferring demat shares.
20	*B.C. Singh (D) By LRs. v. J.M. Utarid (D) By LRs.* ESCR010007302018	SUPREME COURT OF INDIA	2018	Prioritizes preferential heirs over distant kindred in Christian intestate succession.
21	*Savita Sheshrao Sabale v. Snehal Sagar Sabale* HCBM030207662023	BOMBAY HIGH COURT	2023	Courts can determine shares in succession certificates when relationships are undisputed.
22	*Kamalamma K.N. v. Nil* KAHC010454662022	HIGH COURT OF KARNATAKA	2024	Succession certificates under Section 372 are strictly limited to movable properties.
23	*Jhunu Choudhury v. The Zonal Manager, Bank of India* ODHC010312522021	ORISSA HIGH COURT	2021	Banks must release deposits to established heirs without demanding succession certificates.
24	*Mannalal Khetan v. Kedar Nath Khetan* ESCR010001421977	SUPREME COURT OF INDIA	1976	Negative statutory language in share transfer provisions denotes a mandatory prohibition.
25	*Pinapala Rambabu v. Municipal Corporation* APHC010014752019	HIGH COURT OF ANDHRA PRADESH	2020	Succession certificate courts have limited jurisdiction and do not bar civil suits.

IV. Case Details

25 CASE FILES

01 D. Gopi v. Nil

MADRAS HIGH COURT · 2021-03-17 · CRP/378/2021

The petitioner sought a succession certificate from the District Munsif cum Judicial Magistrate to secure employment on compassionate grounds following the death of his foster mother. The trial court rejected the application on the grounds that the petitioner failed to provide mandatory details regarding debts and securities as required under the Indian Succession Act and failed to establish a legal basis for requiring a succession certificate for compassionate employment purposes. Upon review, the Madras High Court upheld the trial court's decision, noting that while the lower court possesses the jurisdiction to issue such certificates, the petitioner had failed to provide the necessary documentation or statutory justification to support the request.

HELD The Madras High Court held that a legal heir certificate and a succession certificate serve entirely different purposes and require different documents. A legal heir certificate is used for administrative claims such as provident fund, pension, insurance, and compassionate appointments. Conversely, a succession certificate is strictly issued under the Indian Succession Act to collect debts, claim securities, and transfer assets.

> “No status was conferred on he / she thereby. It did not prove any relationship between the deceased and the applicant. Further, it is also observed that the adoption was purported to have been recorded on a stamp paper, as per decision of Hon'ble Supreme Court in Civil Appeal No. 3242 of 2009 [Arising out of SLP (Civil) No.6230 of 2007] [State Of Chhatisgarh & Ors Vs. Dhirjo Kumar Sengar]. It is not in dispute regarding the jurisdiction of the Court, which rendered the order of rejection. 12. Since the case pertains to issuance of succession certificate, it is relevant to mention the significance of legalheir certificate and succession certificate and the documents required for issuance of the said certificates: Legal heir certificate is used for many purposes such as, PF claims, pension, insurance, appointment on compassionate grounds. https://hcservices.ecourts.gov.in/hcservices/ Succession certificate is issued to claim securities, debt payments/ collection of debts, transfer of property, or any other assets. Legal heir certificate requires the following documents: • Original death certificate • Identity Card • Ration Card • Name of the legal heirs and relationship with the deceased • An affidavit worth Rs.20 on a stamp paper and a stamp worth Rs.2 Whereas for the issuance of Succession Certificate, the documents required are as follows: • Original death certificate • Details of death (place/time and date) • Names of all the family members and their relationship with the deceased person.”

MADRAS HIGH COURT · 2021 | SOURCE HCMA010251032021

02 Khaja Zahuruddin v. Under Secretary to the Government of India

HIGH COURT FOR STATE OF TELANGANA · 2010-03-29 · WP/27934/2009

The petitioners challenged a government order that required them to produce a Succession Certificate to reclaim property previously classified as enemy property. The court noted that the petitioners' status as legal heirs of the original owner had already been established through previous land reform proceedings and litigation. Analyzing the Indian Succession Act, the court held that a Succession Certificate is only required for debts and securities, not for immovable property. Since the respondents could not cite any legal provision necessitating such a certificate for immovable land, the court found the condition arbitrary and set it aside, ordering the authorities to release the property without the requested documentation.

HELD The High Court held that Section 370 of the Indian Succession Act, 1925 only permits the issuance of a succession certificate in respect of a "debt" or "security". Since immovable property does not fall under the statutory definition of a security, the government's demand for a succession certificate to release real estate was entirely without legal basis.

> “As regards the requirement of Succession Certificate, Section 370 of the Indian Succession Act, 1925, provides for issuance of Succession Certificate only in respect of a debt or a security. This is not a case where the Succession Certificate is insisted upon in connection with any debt. ... Indubitably, the immovable property, which has been released by the respondents in favour of the legal heirs of Smt.Jilani Begum, does not fall in any one of the above clauses to attract the definition of the word ‘Security’. Therefore, the stand taken by the respondents that Succession Certificate can be obtained in respect of an immovable property is wholly without any legal basis and contrary to the specific statutory provision referred to above.”

HIGH COURT FOR STATE OF TELANGANA · 2010 SOURCE HBHC010002392009

03 Bellam Venkata Ratnam v. Prakasam District Central Co-operative Bank Limited

HIGH COURT OF ANDHRA PRADESH · 2022-11-21 · CMA/307/2022

The appellants sought a succession certificate for funds deposited by a deceased individual, relying on a Will. The trial court dismissed the application on the ground that the appellants failed to prove the execution of the Will under the Indian Evidence Act. The High Court allowed the appeal, noting that proceedings for a succession certificate are summary in nature and do not require formal proof of a Will to the standard of a regular civil suit. Since the bank, as a debtor, is protected by the indemnity provided by the certificate, the court remanded the matter for a fresh decision, emphasizing that the certificate's purpose is to facilitate debt collection rather than determine final title.

HELD The High Court held that a succession certificate is intended to protect debtors, giving them a valid discharge when they pay in good faith. Because proceedings under Section 372 of the Act are summary, a Will does not need to be formally proved under Section 68 of the Indian Evidence Act. If there are intricate questions of law or fact, the court must grant the certificate to the party who prima facie has the best title.

> “All that the Succession Certificate purports to do is to facilitate the collection of debts, to regulate the administration of succession and to protect persons who deal with the alleged representatives of the deceased persons. Such a certificate does not give any general power of administration on the estate of the deceased. A Succession Certificate is intended as noted above to protect the debtors, which means that where a debtor of a deceased person 4 either voluntarily pays his debt to a person holding a Certificate under the Act, or is compelled by the decree of a Court to pay it to the person, he is lawfully discharged. The grant of a certificate does not establish a title of the grantee as the heir of the deceased, but only furnishes him with authority to collect his debts and allows the debtors to make payments to him without incurring any risk. As held by the Apex Court Kamiti Devi Vs. Poshi Ram reported in 2001 (5) SCC311”

HIGH COURT OF ANDHRA PRADESH · 2022 | SOURCE APHC010305882022

04 Anjana v. Karnataka Industrial Areas Development Board

HIGH COURT OF KARNATAKA · 2024-06-19 · WP/14730/2017

The petitioner sought to transfer an industrial plot allotted to her late husband into her name. The Karnataka Industrial Areas Development Board (KIADB) rejected her application, insisting on the production of a Succession Certificate under the Indian Succession Act. The petitioner challenged this rejection, arguing that a Succession Certificate is only required for debts and securities, not for the transfer of immovable property.

HELD The High Court held that a succession certificate under the Indian Succession Act is strictly limited to debts and securities, as affirmed by the Supreme Court in *Rukhsana v. Nazarunissa*. Insisting on such a certificate to transfer immovable assets, such as a plot of land, is legally unjustified and discriminatory.

> “In light of the provisions contained in Section 370 of the Indian Succession Act and the ratio set forth by the Supreme Court, which limits the requirement of a Succession Certificate to debts or securities, the refusal to process the tr ansfer application without such a certificate is unjustified and discr iminatory.”

HIGH COURT OF KARNATAKA · 2024 | SOURCE KAHC010043402017

05 Urmila Devi v. State of Rajasthan

HIGH COURT OF RAJASTHAN · 2024-09-03 · CW/3193/2022

The petitioner, the legally wedded wife of a deceased government employee, sought a family pension after her husband's death. The respondents denied her claim, citing that the deceased had nominated another woman as his wife and required the petitioner to provide a succession certificate. The court held that the concept of 'social divorce' has no legal standing and, because no formal divorce was ever granted, the petitioner remained the legally recognized wife. Under the Rajasthan Civil Services (Pension) Rules, 1996, a marriage contracted during the lifetime of a first wife is void; therefore, the petitioner, as the only legally wedded widow, is entitled to the family pension without the need for a succession certificate.

HELD The High Court held that the Indian Succession Act, 1925 is silent regarding succession certificates for family pensions. A statutory family pension is paid directly to legal representatives on their own account and is not a "debt" or "security" belonging to the deceased, meaning a succession certificate cannot be mandated.

> “The provisions of the Act of 1925 are silent with regard to issuance of Succession Certificate for gettin g the benefits of family pension. 31. Thus, family pension payable to the legal representative of the deceased does not need a Successi on Certificate, even if it were a debt belonging to the deceased.”

HIGH COURT OF RAJASTHAN · 2024 | SOURCE RJHC020155132022

06 Prakashchandra Deokaranji Bhoot v. Manoharlal Deokaranji Bhoot

BOMBAY HIGH COURT · 2023-06-12 · WP/8387/2018

This case addressed whether an application for a succession certificate under Section 372 of the Indian Succession Act, 1925, is maintainable if the fee prescribed under Section 379(1) is not deposited at the time of presentation. The petitioners argued that the failure to deposit this amount rendered the application non-maintainable and deprived the court of jurisdiction.

HELD The High Court held that Section 379 of the Indian Succession Act does not require the payment of court fees upon filing, but rather a "deposit" of an equivalent sum. This deposit is a procedural requirement for purchasing stamps at the time of the eventual grant and is not a jurisdictional prerequisite for the maintainability of the application.

> “It is thus clear that the provision of Section 379 do not prescribed for the payment of requisite court-fee along with the application but prescribe the deposit of a sum of money i n the Court, which would be ultimately expended, under orders of the Court, towards purchase of stamp to be used for denoting the fee payable on the value of each of the shares of the successors.”

BOMBAY HIGH COURT · 2023 | SOURCE HCBM040290942018

07 Sunita v. Union of India

HIGH COURT OF DELHI · 2024-02-06 · W.P.(C)/1031/2024

The petitioner, wife of a deceased government employee, challenged an order from the authorities requiring a succession certificate to release her deceased husband's retiral and terminal benefits. She had already provided a surviving member certificate issued by the District Magistrate. The court observed that a succession certificate is primarily intended to protect debtors by providing conclusive proof of entitlement to debts and securities, and it does not settle disputes of title. Given the potential for the succession certificate process to be lengthy and burdensome for survivors, the court evaluated the respondent's administrative requirement. Ultimately, the court upheld the respondent's demand, noting that the requirement for a succession certificate serves as a protective measure to ensure benefits are disbursed to the rightful legal heir.

HELD The High Court observed that while the process for obtaining a succession certificate is tedious and lengthy, its legal purpose is to facilitate the collection of debts and securities and provide a robust statutory indemnity to debtors under Section 381. The grant of a succession certificate does not determine final questions of title but merely authorizes the holder to collect the deceased's assets as a trustee for the legal beneficiaries.

> “The grant of succession certificate is conclusive against the debtor. 24. Hence, the grant of succession certificate does not determine questio n of title or what privilege does or does not belong to esta te of deceased; it merely enables the party to whom a certificate is granted to collect any debts or securities belonging to deceased. 25. The process of the grant of succession certificate is long and the certificate holder has to go through a tedious process.”

HIGH COURT OF DELHI · 2024 | SOURCE DLHC010019822024

08 V.S. Saravanavel v. The Tahsildar

MADRAS HIGH COURT · 2021-08-27 · WP/10778/2021

The petitioner challenged an order by the Tahsildar rejecting his application for a legal heir certificate. The respondent had denied the request solely because the petitioner was a Class-II legal heir rather than a direct Class-I heir of his deceased brother. The court, referencing multiple prior precedents, held that Tahsildars are not prohibited from issuing legal heir certificates to Class-II heirs in the absence of Class-I heirs. Revenue authorities are obligated to conduct a proper inquiry to verify the claim; if the case is not complex and lacks rival claims, they must issue the certificate. The court set aside the rejection order and remanded the matter back to the respondent to reconsider the application.

HELD The High Court held that revenue authorities cannot refuse to issue a legal heirship certificate to Class II legal heirs merely because they are not Class I heirs. Where personal law specifies the mode of succession and there are no direct heirs or serious rival claims, the Tahsildar is duty-bound to conduct an inquiry and issue the certificate rather than forcing parties to approach a Civil Court.

> “When the law specifies the mode of succession, there is no impediment on the part of the Tahsildar to issue Legal heirship certificate as prescribed in the mode of succession. Nevertheless, in cases, where there are serious rival claims for the heirships, which cannot be considered, on the basis of the statement of the claimants and which necessarily requires to be established through proper oral and documentary evidences, it would be appropriate, to refer such parties to the Civil Court of law.”

MADRAS HIGH COURT · 2021 | SOURCE HCMA010615502021

09 C.P. Rekha v. Kerala Advocates Welfare Fund Trustee Committee

HIGH COURT OF KERALA · 2011-10-18 · WP(C)/23697/2011

The petitioners, legal heirs of a deceased advocate, challenged the refusal of the Kerala Advocates Welfare Fund Trustee Committee to disburse the deceased's welfare fund amount without a court-issued succession certificate. The court held that under the Kerala Advocates Welfare Fund Act, 1980, the Trustee Committee has a statutory duty to conduct its own inquiry to determine the legal heirs of a deceased member. It further noted that the Act bars civil court jurisdiction over such matters and that a succession certificate is not a substitute for the Committee's mandate to identify the correct beneficiaries. Consequently, the court directed the Committee to process the application by conducting its own necessary inquiry.

HELD The High Court ruled that a succession certificate under Part X of the Indian Succession Act only authorizes the holder to collect debts and provide a valid discharge, without acting as an absolute determination of heirship. Consequently, administrative and statutory committees cannot bypass their duty to conduct their own inquiry by insisting on a succession certificate from a Civil Court.

> “A Succession Certificate issued under Part X of Indian Succession Act, 1925, merely clothes the holder of the Certificate with an authority to realise the debts of the deceased and to give a valid discharge. ... the Committee could not have insisted on the production of Succession Certificate from a Civil Court to decide on the claim for payment on that basis.”

HIGH COURT OF KERALA · 2011 | SOURCE KLHC010665362011

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10 Seema v. United India Insurance Co. Ltd.

ALLAHABAD HIGH COURT · 2024-07-04 · WRIC/25038/2020

The petitioners sought the release of an insurance claim following the death of their family member. The insurance company refused to pay, insisting on a succession certificate issued by a civil court. The court noted that because the deceased had not named a nominee in the insurance policy, a potential dispute regarding legal heirship existed among the surviving relatives. Following judicial precedent, the court clarified that compensation is not a debt or security requiring a formal succession certificate under the Indian Succession Act. However, given the lack of a nominee and potential competing claims, the court directed the widow to file a declaratory suit before a competent civil court to establish her entitlement to the compensation funds.

HELD The High Court held that a succession certificate can only be granted in respect of "debts" and "securities" under Sections 370 and 374. Since death compensation does not fall under the definition of a security, there is no requirement to obtain a succession certificate under the Indian Succession Act to receive compensation amounts.

> “Bare reading of Sections 370 and 374 of the Act makes it clear that a Succession Certificate can be granted in respect of debts and Securities. The word "security" has been defined in Section 370(2) of the Act which does not include compensation. Therefore, in our considered view there is no requirement to obtain a succession certificate under the provis ions of Part X (Sections 370 to 390) of the Indian Succession Act, 1925 to recei ve compensation amount awarded on account of death of the son of the petitioners.”

ALLAHABAD HIGH COURT · 2024 SOURCE UPHC020291822020

11 Suresh v. The Assistant Commissioner and Land Acquisition Officer

HIGH COURT OF KARNATAKA · 2017-03-16 · WP/85238/2013

This case concerned whether legal heirs of deceased claimants were required to produce a succession certificate to withdraw land acquisition compensation funds from the executing court. The court below had insisted on the certificate under Section 214 of the Indian Succession Act, 1925, which governs the recovery of debts. The High Court, relying on Supreme Court precedents, ruled that compensation awarded for land acquisition does not constitute a 'debt' or 'security' to which the deceased was entitled. Therefore, the requirement for a succession certificate was inapplicable. The court allowed the petition and directed the lower court to disburse the compensation shares to the legal representatives after determining their respective entitlements.

HELD The High Court ruled that a succession certificate is not necessary to seek the disbursement of court-deposited compensation. Compensation is neither a "debt" nor a "security" under Section 214 of the Indian Succession Act, rendering the requirement of a succession certificate entirely inapplicable to such funds.

> “Given the plain language of Section 214, the fact that it is neither a “debt” or a “security” and therefore for recovery of compensa tion by the legal representatives, a Succession Certificate is not necessary as laid down by the Supreme Court and applying the said dictum, the writ petitions are allowed.”

HIGH COURT OF KARNATAKA · 2017 SOURCE KAHC020027892013

12 S. Arasi v. The Tahsildar

MADRAS HIGH COURT · 2021-09-23 · WP/20381/2021

The petitioner sought a legal heir certificate following the death of her brother, which the respondent Tahsildar denied on the grounds that the petitioner was a Class II legal heir rather than a Class I heir. The court examined the relevant legal position and previous judicial precedents, which consistently hold that revenue authorities cannot refuse to issue legal heir certificates to Class II heirs solely based on their status. The court reiterated that unless there are complex disputes involving rival claims or evidence gaps requiring a civil court's adjudication, the Tahsildar must conduct an inquiry and issue the certificate. Consequently, the court set aside the rejection order and directed the respondent to reconsider the petitioner's application on its merits.

HELD The High Court reaffirmed that Tahsildars are fully empowered to issue Class II legal heir certificates in the absence of Class I heirs. Revenue authorities must conduct inquiries and can only direct applicants to approach a competent Civil Court if they are unsatisfied with the genuineness of the claim or encounter active, disputed rival claims.

> "When the law specifies the mode of succession, there is no impediment on the part of the Tahsildar to issue Legal heirship certificate as prescribed in the mode of succession. Nevertheless, in cases, where there are serious rival claims for the heirships... it would be appropriate, to refer such parties to the Civil Court of law. Such an exercise however should be made only when the authority is satisfied that there is a rival claim for heirships or the relationship of the heirs with the deceased is disputed."

MADRAS HIGH COURT · 2021 | SOURCE HCMA011137572021

13 Petitioner v. Respondent

GAUHATI HIGH COURT · 2014-04-25 · CRP/213/2011

This case concerns a civil revision petition challenging a District Judge's summary dismissal of an application for a succession certificate under the Indian Succession Act. The District Judge had dismissed the application on the first day of hearing without issuing notice to the respondents. The High Court held that while proceedings under the Act are intended to be conducted in a summary manner, this does not permit the court to dispense with the issuance of notice to the non-applicants. The court set aside the dismissal order and remanded the matter to the District Judge, directing that the petition be heard and decided in accordance with the proper statutory procedure after giving the respondents an opportunity to be heard.

HELD The High Court held that the phrase "summary manner" under Section 373 does not mean that notice to non-applicants can be bypassed. The District Judge is required to first verify if the petition contains the necessary statutory particulars under Section 372 and then must issue notice to the opposite side to enable a lawful determination.

> "The expression "summery manner " means the petition need not be tried like a civ il suit by following the detail procedure prescribed in Code of Civil Procedure, but it certainly does not mean that notice to non-applicant is also dispensed w ith. Indeed reading of Sub section(1) along with sub section (3) of Section 373 ib id indicate that in order to decide the questions arising in the case, the District Judge is required to issue notice to the other side..."

GAUHATI HIGH COURT · 2014 | SOURCE GAHC010141182011

14 Hafiz Naushad Ahmad v. Union of India

ALLAHABAD HIGH COURT · 2021-03-16 · WRIC/4585/2021

The petitioners, parents of an individual who died in a road accident in Saudi Arabia, sought the release of compensation funds received by the District Magistrate of Mau from the Embassy of India. The District Magistrate refused to disburse the funds, insisting the parents produce a succession certificate under the Indian Succession Act, 1925. The Court ruled that compensation does not fall under the definition of a 'debt' or 'security' as provided in the Act, and therefore, a succession certificate is not a legal prerequisite for receiving such funds. Given that the petitioners were established as the sole legal heirs, the Court directed the authorities to release the compensation without further delay.

HELD The High Court held that accident compensation awarded following the death of an individual does not qualify as a "debt" or "security" under Section 370 of the Indian Succession Act. Consequently, demanding a succession certificate from the surviving parents to release such compensation has no basis in law.

> “The insistence of learned standing counsel is that under Sections 370 and 374 of the Indian Succession Act, a Succession certificate is required to be obtained to enable the petitioners to get the amount of compensation awarded in respect of the death of their son. We do not find any substance in the submission.”

ALLAHABAD HIGH COURT · 2021 | SOURCE UPHC010188082021

15 P. Nirmala v. Special Secretary to Government

MADRAS HIGH COURT · 2023-04-28 · WP/9104/2023

The petitioners, the widow and son of the deceased, sought the disbursement of end-of-service death benefits, which had been received by the government. The issue arose because the local authority included the deceased's mother in the legal heirship certificate. The petitioners argued that as Christians, the succession is governed by the Indian Succession Act, 1925, which excludes the mother when a widow and lineal descendants survive. The court agreed, ruling that under Section 33 of the Act, the estate devolves solely upon the widow and lineal descendants. It rejected the respondent's reliance on Section 33-A, noting it does not apply to this scenario. Consequently, the court ordered the disbursement of the benefits to the petitioners.

HELD The High Court held that a legal heirship certificate must strictly reflect the legal heirs recognized under the applicable personal law. Under Section 33 of the Indian Succession Act, if a deceased Christian leaves behind a widow and lineal descendants, they alone inherit the estate, to the exclusion of the deceased's mother.

> “When the deceased person leave behind the widow and lineal descendants, the widow and lineal descendants will alone become the legal heirs of the deceased under the Scheme of the Indian Succession Act. Therefore, the legal heirship certificate can be issued only to those persons who are recognized as legal heirs under the personal law applicable to a person.”

MADRAS HIGH COURT · 2023 | SOURCE HCMA0105272023

16 The Collector Land Acquisition v. Kanta

HIGH COURT OF HIMACHAL PRADESH · 2024-05-09 · CMP/19589/2023

This case involved applications filed by the legal representative of a deceased respondent in a long-decided land acquisition appeal. The applicants sought to substitute the name of the deceased with her legal heir and to release compensation funds already held by the court. The High Court determined that while standard provisions for substitution or addition of parties are typically used during active litigation, it could exercise its inherent powers under Section 151 of the Code of Civil Procedure to ensure the ends of justice. The court further clarified that a succession certificate is not required for releasing compensation amounts already deposited with the court, as such compensation is not classified as a debt or security.

HELD The High Court confirmed that Section 214(1)(b) of the Indian Succession Act only bars execution proceedings for recovering debts from a debtor, and does not apply to simple applications for the release or withdrawal of compensation already deposited in court. Compensation is a direct claim of the legal heirs rather than an asset of the deceased.

> “The requirement of Succession Certificate does not apply in the cases where, amount has been deposited and application has been made with a simple prayer to release the deposited amount. Moreover, Section 214(1)(b), bars an application for execution of a decree and not an application for withdrawal or release of the amount, lying deposited in the Court.”

HIGH COURT OF HIMACHAL PRADESH · 2024 | SOURCE HPHC010401572023

17 P. Venkatachalam v. The Tahsildar

MADRAS HIGH COURT · 2023-02-23 · WP/25247/2021

This case concerns the issuance of legal heirship certificates by Tahsildars in Tamil Nadu. The court addressed the procedural uncertainty surrounding the classification of legal heirs and the reliance on administrative circulars that were often found to be flawed or inconsistent with personal law. Following a Full Bench ruling, the government issued a new order, G.O.Ms. No. 478, to streamline the process.

HELD The High Court, relying on a Full Bench decision, clarified that a legal heirship certificate issued by a Tahsildar is merely an administrative "relationship certificate". It does not conclusively confer the status of a legal heir or affect any legal rights, which are strictly determined by the respective personal laws of the parties.

> “Legal heirship is a status governed by the respective personal law of parties through various statutes.The certificates issued by the Tahsildar amount to nothing more than a relationship certificate reflecting the opinion of the Tahsildar as to the relationship of the applicant and others named therein with the deceased. Consequently, the certificate issued by the Tahsildar does not affect the legal right of any party and has no bearing on the status of a legal heir…”

MADRAS HIGH COURT · 2023 | SOURCE HCMA011456532021

18 Sarvinder Singh v. Tarlochan Singh

HIGH COURT OF PUNJAB AND HARYANA · 2012-02-14 · CR/161/2011

The petitioner, the husband of the deceased, sought a succession certificate to collect bank deposits belonging to his late wife. The trial court granted the certificate, noting his status as the natural heir, while the respondent contested the claim based on an unregistered will. The lower appellate court reversed this decision, arguing that the succession proceedings should stay pending the outcome of a separate civil suit regarding the will. The High Court set aside the appellate court's order, ruling that succession certificate proceedings under the Indian Succession Act are summary in nature and should not be stayed due to parallel civil litigation. The court restored the original grant of the certificate, subject to the petitioner furnishing indemnity bonds to protect other potential claimants.

HELD The High Court held that proceedings for obtaining a succession certificate under Section 372 are summary in nature and cannot be stayed during the pendency of a parallel civil suit. A succession certificate does not finally decide inter se title disputes, and the rights of contesting parties can be safely protected by directing the applicant to furnish indemnity bonds.

> “...proceedings for obtaining succession certificate under Section 372 of the Act cannot be stayed during the pendency of the suit as object of issuance of a succession certificate is clearly different as the said proceedings are summary in nature and the certificate does not result in deciding the issue finally between the parties.”

HIGH COURT OF PUNJAB AND HARYANA · 2012 | SOURCE PHHC010043212011

19 Krishnan Akhileswaran v. Lakshmi Krishnakumar

MADRAS HIGH COURT · 2021-03-03 · OP/501/2020

The petitioners, as the legal heirs of the deceased K.A. Eswaran and Ananthalekshmy Akhil Eswaran, filed an original petition seeking a succession certificate. The deceased persons died intestate, leaving behind certain securities held in a Demat account. The second petitioner consented to the grant of the certificate in favor of the first petitioner. Based on the evidence provided, including death certificates and legal heirship documentation, and noting that no objections were raised, the Madras High Court allowed the petition. The court directed that a succession certificate be granted to the first petitioner, granting him the power to collect, receive dividends and interest, and transfer the specified securities.

HELD The High Court held that a succession certificate under Section 372 of the Indian Succession Act is required to transfer shares held in a Demat account and to collect dividends or interest on securities left by an intestate deceased. When legal heirship is established and consent is given by co-heirs, the certificate must be granted to enable collection and transfer.

> “The Succession Certificate is required for the purpos e of transferring the shares invested by the deceased and also to receive th e interest and dividends on the securities mentioned above. ... Therefore, this Original Petition is ordered as prayed for, an d a direction to grant a Succession Certificate to the 1 st petitioner with power to collect the Securities and receive the interest and dividends thereon and negotiate and transfer the Securities specified in the Schedule, is issued.”

MADRAS HIGH COURT · 2021 | SOURCE HCMA010871092020

20 B.C. Singh (D) By LRs. v. J.M. Utarid (D) By LRs.

SUPREME COURT OF INDIA · 2018-05-08 · 2018 INSC 458

The case involved a dispute over the ownership and possession of an immovable property jointly purchased by a Christian couple. Following the wife's death intestate, her husband sought to evict a relative of the wife who claimed a share in the property as a distant kindred. The court ruled that under the Indian Succession Act, 1925, the husband, as the surviving spouse, inherited half of his wife's share, while her living sister, being a preferential heir, was entitled to the remaining portion. The court held that near kindred exclude distant kindred, thereby denying the wife's relative any legal claim to the property.

HELD The Supreme Court held that under Part V of the Indian Succession Act, 1925 (applicable to Christians), if a deceased dies intestate leaving behind a spouse and kindred but no lineal descendants, the spouse is entitled to half of the estate, and the remaining half devolves upon the nearest kindred. Near kindred preferential heirs (such as siblings) completely exclude distant collateral relatives.

> “Chapter II of this Part lays down the rules of succession in cases of intestates other than Parsis. Section 32 states that the property of an intestate devolves upon wife or husband, or upon those who are of the kindred of the deceased in the order and according to the rules contained in the said Chapter. ... Her sister was the only near kindred and preferential heir of the intestate and she would succeed to 1/4th share in the property – Legal representatives of wife’s relative being a distant kindred would not be entitled to succeed any share...”

SUPREME COURT OF INDIA · 2018 | SOURCE ESCR010007302018

21 Savita Sheshrao Sabale v. Snehal Sagar Sabale

BOMBAY HIGH COURT · 2023-10-31 · CRA/68/2023

This dispute concerns the issuance of a succession certificate regarding the insurance proceeds of a deceased person, involving his mother and widow. The lower courts had denied the certificate, focusing on prior insurance disbursements already received by the parties. The High Court clarified that while succession certificate proceedings are summary in nature, the court is empowered to determine shares when the legal relationship is undisputed and heirs are clear under the Hindu Succession Act. To prevent further litigation and hardship, the Court set aside the previous orders and directed that a joint succession certificate be issued to both parties, with specific directions for the adjustment of previously received insurance amounts to ensure equitable distribution.

HELD The High Court held that where the relationships among contesting heirs are admitted and there are no other claimants, the Succession Court is fully empowered to resolve questions of law and fact to determine their respective shares. If the heirs are not on good terms, the court should issue a joint succession certificate specifying their shares to prevent further hardship.

> “If the successors have no good terms and do not agree to share and if it is prima facie possible to determine the shares, the Succession Court has to exercise the powers to settle the shares of the parties entitled. ... Prima facie, the succession certificate ought to have been issued jointly in the name of both.”

BOMBAY HIGH COURT · 2023 | SOURCE HCBM030207662023

22 Kamalamma K.N. v. Nil

HIGH COURT OF KARNATAKA · 2024-10-01 · MFA/6802/2022

The appellants sought a succession certificate under Section 372 of the Indian Succession Act, 1925, to establish their right to an immovable property belonging to a deceased relative. The trial court dismissed the petition, ruling that Section 372 exclusively concerns the issuance of succession certificates for debts and securities, which pertain to movable property, rather than immovable assets.

HELD The High Court held that Section 372 of the Indian Succession Act, 1925, deals exclusively with the issuance of succession certificates in respect of "debts" and "securities", which are strictly movable assets. The Act does not contain any provisions enabling the grant of a succession certificate for immovable property.

> “...the petition is filed claiming Succession Certificate in respect of sched ule ‘A’ property which is immovable property and the provision of ... Section 372 of Indian Succession Act deals with issuance of succession certificate in respect of any debts or debt due to the deceased creditor and it deals only in respect of m ovable properties. Nowhere, the said provision envisages to issue Succession Certificate in respect of immovable property.”

HIGH COURT OF KARNATAKA · 2024 | SOURCE KAHC010454662022

23 Jhunu Choudhury v. The Zonal Manager, Bank of India

ORISSA HIGH COURT · 2021-09-08 · WP(C)/15491/2021

The petitioner sought a writ of mandamus to compel the Bank of India to release funds from her deceased husband's account without requiring a succession certificate. The petitioner, as the legal heir, had provided a death certificate, a legal heir certificate issued by the Tahasildar, and a no-objection affidavit along with an indemnity bond from the other legal heirs (her children). The bank argued that its internal policy required a succession certificate for the transaction.

HELD The High Court held that bank deposits do not fall under the strict statutory definition of a "debt" under Section 370 of the Indian Succession Act, meaning a succession certificate cannot be legally compelled. When the identity of the heirs is established by a revenue legal heir certificate and a letter of indemnity is provided, banks cannot arbitrarily insist on a succession certificate.

> “The amount deposited in the deceased account since is not coming under the definition and meaning of debt, therefore, in view of the provision U/s.370 of the Act, succession certificate cannot be issued by the competent Court. ... This Court, therefore, finds, there is no justified clause in asking the Petitioner to produce Succession Certificate, if it is not conclusively proved the inter se right between the parties.”

ORISSA HIGH COURT · 2021 | SOURCE ODHC010312522021

24 Mannalal Khetan v. Kedar Nath Khetan

SUPREME COURT OF INDIA · 1976-11-25 · 1976 INSC 303

The case concerned whether Section 108 of the Companies Act, 1956, which prohibits a company from registering a transfer of shares unless a proper, duly stamped, and executed instrument is delivered, is mandatory or directory. The appellants argued that the company illegally registered a transfer of shares despite being subject to a government attachment order and failing to meet the documentation requirements of Section 108. The Supreme Court of India held that the provisions of Section 108 are mandatory, emphasizing that negative language in a statute typically denotes a mandatory prohibition. Consequently, the Court declared the transfer of shares made in violation of these provisions and existing attachment orders to be illegal and void.

HELD The Supreme Court established that when a statutory provision contains negative or prohibitory language, it must be construed as mandatory. Under corporate law, the transmission of shares occurs only by operation of law, and strict adherence to mandatory procedures is required to transfer or register shares.

> "The Single Judge said that the transmission of shares occurred only by operation of law and this was a case of transfer by voluntary act of the parties which could not amount to transmission. ... The Supreme Court of India held that the provisions of Section 108 are mandatory, emphasizing that negative language in a statute typically denotes a mandatory prohibition."

SUPREME COURT OF INDIA · 1976 | SOURCE ESCR010001421977

25 Pinapala Rambabu v. Municipal Corporation

HIGH COURT OF ANDHRA PRADESH · 2020-03-23 · SA/96/2019

This case involved a dispute over the issuance of a succession certificate to receive the terminal benefits of a deceased municipal employee. The trial court initially granted the certificate to the employee's wife and daughters. On appeal, the court held that the employee's son, claimed by the respondents, was also entitled to a share, citing evidence in the deceased's service register and ration card identifying him as a son. The High Court affirmed that the limited scope of a succession certificate proceeding does not bar future civil litigation regarding the underlying rights to the estate, and thus upheld the appellate court's decision, confirming the entitlement of the legal heirs to the benefits.

HELD The High Court held that under Section 387 of the Indian Succession Act, decisions rendered in summary succession certificate proceedings do not bar a subsequent regular civil suit to determine the same question of rights. The holder of the certificate remains legally liable to account for any received debts or securities to the person lawfully entitled.

> "No decision under this Part upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Part shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security… to account therefor to the person lawfully entitled thereto."

HIGH COURT OF ANDHRA PRADESH · 2020 | SOURCE APHC010014752019