



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 1430 OF 2022

1. Kavita Krishnani
2. Kajal Chakravarty
3. Kaushal Krishnani
4. Kusum Advani

....COMPLAINANTS

VERSUS

Parsvnath Developers Pvt Ltd.

....RESPONDENT

CORAM: Parneet Singh Sachdev
Nadim Akhtar
Chander Shekhar

Chairman
Member
Member

Date of Hearing: 01.05.2025

Hearing: 11th

Present: - None for the complainant .

Ms. Neetu Singh, counsel for the respondent through VC.

ORDER (PARNEET S SACHDEV – CHAIRMAN)

1. Vide order dated 19.12.2024, Authority had specifically observed that the complainants had earlier filed a surviving member certificate on 18.01.2024. It was further observed that the said document had already

been examined and categorically held, vide order dated 25.04.2024, as not being a legal heir certificate issued by a competent authority. Authority had, therefore, directed the complainants to file a valid legal heir certificate for proper adjudication of the complaint.

2. Despite repeated directions, the complainants have failed to furnish the requisite legal heir certificate.
3. It is pertinent to note that a legal heir certificate is a document having the force of the statute; issued by a competent authority after conducting due verification of the lawful heirs of a deceased person. It is necessary for adjudicating claims related to rights, titles, and interests in immovable property etc of the deceased.
4. At this point it is important to distinguish between a Surviving Member Certificate, a Succession Certificate and the Legal Heir Certificate. A surviving member certificate is an administrative document issued by the local authorities that merely lists surviving family members of the deceased, without confirming legal entitlement or succession under law. A succession certificate, as defined by the Indian Succession Act, 1925 and issued U/s 372 of the Indian Succession Act gives its possessor the some power to act on behalf of the deceased, particularly when it comes to collecting debts and managing securities that are assigned to the deceased. It also enables heirs to inherit the debts and loans of the deceased.



However, a succession certificate cannot be used for transferring immovable assets like real estate properties.

5. On the other hand, for the purpose of inheritance of rights to immovable properties and estate of an intestate deceased person, it is the Legal Heir certificate that is required. The distinction is critical because legal heirship must be established in accordance with personal laws governing succession. Under the Hindu Succession Act, 1956, which governs intestate succession among Hindus, the term “*heir*” is defined in **Section 3(1)(f)** as follows:

“Heir” means any person, male or female, who is entitled to succeed to the property of an intestate under this Act.

6. The scheme of succession is laid out in Sections 8 and 9 of the Act, wherein Class I heirs (such as spouse, son, daughter, mother, etc.) are given priority. Therefore, legal entitlement as an heir must be proven by means of a valid certificate issued by a competent authority after verification in accordance with the provisions of the Act.
7. U/s 2(d) of the RERD Act, the following definition is provided for an allottee

““allottee” in relation to a real estate project, means the person to whom a plot, apartment or building, as the case may be, has been allotted, sold (whether as freehold or leasehold) or otherwise transferred by the promoter, and includes the person who subsequently acquires the said allotment through sale, transfer or otherwise but does not include a person to whom such plot, apartment or building, as the case may be, is given on rent;”

In case the original Allottee is deceased, it is vital for the Authority, to determine who will enter the shoes of the original 'Allottee'. Unless the new 'Allottee(s)' are clearly established, this Authority cannot adjudicate upon a complaint that requires a relief to an Allottee vis-à-vis the promoter. As discussed above, it is the legal Heir certificate that will determine who the new Allottees(s) are vis-à-vis the deceased one.

8. In view of the foregoing, and particularly in light of the complainant's failure to submit the legal heir certificate as required, the present complaint is dismissed without going into the merits, for want of necessary documentation required for its adjudication. As and when a legal heir certificate in the prescribed format is issued by the competent authority, the legal heir(s) will have the liberty to file a fresh complaint.
9. Accordingly, the present complaint stands **dismissed**. File be consigned to the record room.

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CHANDER SHEKHAR
[MEMBER]

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NADIM AKHTAR
[MEMBER]

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PARNEET S SACHDEV
[CHAIRMAN]