

NOMINATION AND LEGAL HEIRS

A nominee comes into picture only on death of the member. The society shall transfer the shares of the deceased member to nominated person.

Procedure to follow for transmission when nomination is made by the flat owner.

- (1) The form of application for membership in Appendix-15, by the nominee/ nominees [under Bye-law No. 34] with Rs100 entrance fee.
- (2) If nominee has no independent income source, an undertaking on Rs100 Non-Judicial Stamp Paper, in Appendix-5 will be furnished by a person who is a close relative and an earning member and who is ready to discharge the liabilities of the prospective nominee-member to the Society. [under Bye-law No.19(A) (v)]
- (3) If there are more than one nominee, an indemnity on Rs200 Non-Judicial Stamp Paper is to be submitted by the prospective nominee-member, in Appendix-18. [under Bye-law No.34]
(Note: This indemnity is to be given, only if one of the nominees become member of the society. If first named nominee becomes a member of the Society and all other nominees become joint associate members, this indemnity need not be given.)
- (4) Undertaking on Rs100 Non-Judicial Stamp Paper to be submitted by the prospective nominee-member, in Appendix-4. [under Bye-law No.17(b) and 19(A)(iv)]
- (5) Copy of the Nomination Form in Appendix-14, of the deceased member. [under Bye-law no.34]
- (6) Attested Xerox copy of the Death Certificate of the deceased member. [under Bye-law no.34]
- (7) Xerox copy of the Share Certificate of the deceased member, with undertaking on the Xerox copy, that original share certificate will be produced by the member, as and when asked by the Secretary for making the name change by the Society.
- (8) If nominee-member wants to make one of his relatives an associate member, simultaneously with him, he needs to apply by filling the form in Appendix-8, with Rs100 entrance fee for the Associate Member. [under Bye-law No. 19(B)]
- (9) If the nominee already possesses another flat in the same society, then to hold an additional flat, an application in Appendix-28, has to be made by the nominee-member. [under Bye-law No. 62]
- (10) Nomination to be made by the nominee-member, in Appendix-14, in triplicate. [under Bye-law No.32]

(NOTE: This is also applicable, to the case, when no nomination is made, as given below...

- (1) All forms and papers as stated above are to be submitted in a file to the Society's office.
- (2) All dues of the Society and the deceased member in arrears and also future dues for the following six months have to be paid by the nominator member at the time of submitting the membership application.
- (3) All stamp papers are to be purchased in user's name.
- (4) Entrance fees, as in Sr. No.(1) and (8) have to be paid along with dues, at the time of submitting of the forms to the society.
- (5) If the Society does not inform you of any objection within 90 days of submitting of your application for your membership, then under Section 22(2) of Maharashtra Co-operative Societies Act, 1960, you become a deemed member of the Society. To confirm your deemed membership, you have to make an appeal to your Deputy Registrar, to take a hearing and pass an order under section 22(2), to confirm your membership by the society.)

Procedure to follow for transmission when no nomination is made by the flat owner or when no nominee is ready to accept the membership of the society

In such a case, if there is a dispute among the relatives of the deceased, the Society will demand Succession Certificate from the relatives of the deceased. Negligible Court Fee has to be paid for the same, in the light of judgement delivered by the Bombay High Court, in case of Testamentary Petition No595 of 2005, Yallappagauda Shankar Rao v/s Smt. Yallappagauda Manjunatha Rao.

When there is no dispute, following papers are to be submitted:

- (1) Application for membership by an heir of the deceased member, in Appendix-17, with Rs100 entrance fee. [under Bye-law No.35]
- (2) If the heir does not have an independent source of income, an undertaking by an earning member and relative of the heir, who is ready to pay all Society's due of the heir has to be made on Rs100 Non-judicial Stamp Paper.
- (2) The heir has to give an indemnity on Rs200 Non-Judicial Stamp Paper, in Appendix-19. [under Bye-law no.35]
- (3) The heir has to give an undertaking on Rs100 Non-Judicial Stamp Paper, in Appendix-4. [under the bye-law no. 17(b) and 19(A)(iv)]
- (4) CHS will display the notice in Appendix-16 in its notice board, send a copy to every member of the Society and will publish it in two local news papers having wide publicity, one in local language and one in English. Any claim from the public has to come within a period of 15 days from the date of publication of the notice. [under Bye-law no.35]
- (5) Follow points (6) to (10) as mentioned above in the case where nomination is made.

(Note: The heir has to take a Xerox copy of the notice published in all the news papers as proof of publication in the newspapers and among the members of the said CHS. These are to be submitted to the Society, as a proof of publication in the papers.)

He will then submit his papers to CHS, only after the period stated in the newspaper has expired.