

BEFORE THE COURT OF MUNSIFF, GOHPUR

MISC. (SUCCESSION) CASE NO. 02 OF 2020

Under Section 372 of the Indian Succession Act, 1925

Smt. Ansumwi Rani Narzary

W/o Late Karnelius Narzary

R/O Village Joypur

P.O.-Bonua Balijan via Tetonbari,

P.S- Gohpur,

Mouza- Brahmajan

Dist.-Biswanath,

Assam

.....**Petitioner**

-Vs -

PRESENT: MR. RAJ SEKHAR DUARA, MUNSIFF, GOHPUR (SONITPUR)

ORDER

02.02.2021

The petitioner is duly represented.

This instant proceeding has originated on filing of a petition by the petitioner, namely Smt. Ansumwi Rani Narzary under Section 372 of the Indian Succession Act, 1925 wherein she had prayed for grant of a Succession certificate in her favour in respect of the debts and securities to the tune of Rs. 2,85,000/- (Rupees Two lakh Eighty Five Thousand) only along with allowances (if any) left by the deceased Late Karnelius Narzary (hereinafter referred to as "the deceased") who was the husband of the petitioner and who had breathed his last on 22.05.2017 and during his lifetime till his death, was a resident of village Joypur, P.S- Gohpur, Dist.- Biswanath, Assam.

At the time of his demise, the deceased had left behind his wife, who is the instant petitioner and their daughter, Miss. Eliza Narzary, aged about 6 years at present.

It is brought forth in the petition that the deceased had left behind the debts and securities at the time of his death to the tune of Rs. 2,85,000/- (Rupees Two lakh Eighty

Five Thousand) only along with allowances (if any) in his LIC Policy vide policy no.484533309 of Life Insurance Corporation India, Biswanath Chariali Branch, the elaborate breakdown of which is specifically reflected in the Schedule of the petition.

The petitioner has stated that she is the legitimate wife of the "said deceased" and in light of the same, she is competent and a fit person to obtain a Succession Certificate in respect of the Scheduled debts and securities. She has further highlighted that there are neither any objections from any quarter nor any legal impediment which would restrict the grant of the certificate as prayed for.

Upon receipt of the said petition, notices were issued were also properly hanged at the last residence of the deceased as well as the notice boards of all the concerned offices. No objections came forward against any of such notices.

Thereafter, the Petitioner had submitted her Evidence-on-Affidavit reiterating necessary facts in replication of what was stated by her in the petition and the same remained uncontroverted as the proceeding went on uncontested. In addition to that, the petitioner has also filed **Ext.1** which is the Death Certificate of the deceased, **Ext.2** is the PAN Card of the Petitioner, **Ext.3** is the Voter ID of the Petitioner, **Ext.4** is the LIC policy of the deceased, **Ext. 5** is the Next of Kin Certificate of the deceased which reflects and affirms the date of death of the said deceased and also sheds light and confirms the nature of relationship between the said deceased and the petitioner.

I have thoroughly considered the aforesaid documents and after such careful perusal, I deem it imperative to acknowledge that the documents exhibited are in consonance with the averments of the petition. It also transpires from the materials available on record that the deceased did not execute any WILL or CODICIL in respect of the debts and securities mentioned in the schedule of the petition. I also find no impediment restricting the grant of the Succession Certificate as prayed for by the Petitioner.

Situated thus, in light of the above holding, I am of the considered opinion that the Petitioner is entitled to the Succession Certificate as prayed for. The prayer therefore, stands allowed.

Let a Succession Certificate be issued in respect of the schedule mentioned debts and securities to the petitioner, subject to payment of requisite Court fee over the aforesaid sum.

This Misc. (S/C) Case accordingly stands disposed of.