

BEFORE THE COURT OF MUNSIFF, GOHPUR

MISC. (SUCCESSION) CASE NO. 04 OF 2020

Under Section 372 of the Indian Succession Act, 1925

Sri. Tarun Munda

S/o Late Tankeswar Munda

R/O Bholaguri Tea Estate

P.O.- Gohpur, P.S- Gohpur,

Dist.-Biswanath,

Assam

.....**Petitioner**

-Vs-

1. Sri Patil Munda

S/o Late Tankeswar Munda

2. Sri Sanjuk Munda

S/o Late Tankeswar Munda

3. Sri Dineswar Munda

S/o Late Tankeswar Munda

4. Smt. Puja Munda

D/o Late Tankeswar Munda

All are Residents of:

R/O Bholaguri Tea Estate

P.O.- Gohpur, P.S- Gohpur,

Dist.-Biswanath,

Assam

.....**Opposite Parties**

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

O R D E R

10.02.2021

The petitioner is duly represented.

This instant proceeding has originated on filing of a petition by the petitioner, namely Sri. Tarun Munda under Section 372 of the Indian Succession Act, 1925 wherein he has

prayed for grant of a Succession certificate in his favour in respect of the debts and securities to the tune of Rs. 2,24,602/- (Rupees Two Lakh Twenty Four Thousand Six Hundred Two) only left by the deceased Late Tankeswar Munda (hereinafter referred to as "the deceased") who was the father of the petitioner and who had breathed his last on 19.11.2015 and during his lifetime till his death, was a resident of Bholaguri Tea Estate, P.S- Gohpur, Dist.- Biswanath, Assam.

At the time of his demise, the deceased had left behind his son, who is the instant petitioner along with three other sons namely, Sri Patil Munda, Sri Sanjuk Munda and Sri Dineswar Munda and a daughter, Smt. Puja Munda, who are the opposite parties in the instant proceeding.

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. Rs. 2,24,602/- (Rupees Two Lakh Twenty Four Thousand Six Hundred Two) only in his PF Claim Settlement no.593 in Bholaguri Tea Eastate, Biswanath, the elaborate breakdown of which is specifically reflected in the Schedule of the petition.

The petitioner has stated that he is the legitimate son of the "said deceased" and in light of the same, he is competent and a fit person to obtain a Succession Certificate in respect of the Scheduled debts and securities. He 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 to the opposite parties and copies 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 his Evidence-on- Affidavit reiterating necessary facts in replication of what was stated by him 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 PF Claim bearing no. 593 of the deceased, **Ext.2** 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, the opposite parties and the petitioner, **Ext.3** is the Death Certificate of the Deceased, **Ext.4** is the Death Certificate of the late wife of the deceased and **Ext. 5** is the Voter ID of 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 to the tune of **Rs. 2,24,602/- (Rupees Two Lakh Twenty Four Thousand Six Hundred Two)** only, subject to payment of requisite Court fee over the aforesaid sum.

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

SONITPUR DISTRICT JUDICIARY