

BEFORE THE COURT OF MUNSIFF, GOHPUR

MISC. (SUCCESSION) CASE NO. 03 OF 2019

Under Section 372 of the Indian Succession Act, 1925

Mr. Birsha Nag

S/O- Late Sankar Nag

Vill- Halem Bagan Line 2

P.O.- Missamari

P.S- Halem

Dist.-Biswanath,

Assam

.....**Petitioner**

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

ORDER

12.02.2021

The petitioner is duly represented.

This instant proceeding has originated on filing of a petition by the petitioner, namely Mr. Birsha Nag 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. 6,25,805.36/- (Rupees Six lakhs twenty five thousand eight hundred five and thirty six paisa) only left by the deceased Late Debari Nag (hereinafter referred to as "the deceased") who was the mother of the petitioner and who had breathed her last on 04.06.2016 and during her lifetime till her death, was a resident of Vill- Halem Bagan Line 2, P.O.- Missamari, P.S- Halem, Dist.-Biswanath, Assam.

At the time of her demise, the deceased had left behind her only son, who is the petitioner in this instant case.

It is brought forth in the petition that the deceased had left behind the debts and securities at the time of her death to the tune of Rs. 6,25,805.36/- (Rupees Six lakhs twenty five thousand eight hundred five and thirty six paisa) only in her UCO bank Savings Account,

Halem Branch bearing account no. 10790110030141, 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 the only legal heir 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 impediments which would restrict the grant of the certificate as prayed for.

Upon receipt of the said petition, notices were issued and copies of it 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 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(a)** which is the Death Certificate of the deceased and **Ext.1(b)** which is the Death Certificate of the late husband of the deceased and the father of the petitioner, **Ext.2** is the Next of Kin Certificate of the late father of the petitioner and husband of the deceased, **Ext.3** is the Bank passbook of the deceased, **Ext.4** is the Gaon Burha Cerificate, **Ext. 5** is the voter list bearing the petitioner's name and the Opposite Party, **Ext. 6** is the PAN card of the Petitioner, **Ext.7** is the updated Bank passbook of the deceased with a certification from the manager as to the balance in the account.

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. 6,25,805.36/- (Rupees Six lakhs twenty five thousand eight hundred five and thirty six paisa) only, subject to payment of requisite Court fee over the aforesaid sum.

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