

**BEFORE THE COURT OF MUNSIFF, GOHPUR**  
**SONITPUR**

**MISC. (SUCCESSION) CASE NO. 05 of 2020**  
**Under Section 372 of the Indian Succession Act, 1925**

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**Mr. GAJAB GUWALA**

S/O Late Malu Gowala

R/O: Bholaguri T.E.,

P.O.- Gohpur,

P.S- Gohpur,

Dist.-Biswanath,

Assam

.....**Petitioner**

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

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**O R D E R**

**18.08.2021**

The petitioner is duly represented.

This instant proceeding was initiated upon filing of a petition by the petitioner, namely Mr. Gajab Guwala 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. 2,29,829/- (Rupees Two Lakhs Twenty Nine Thousand Eight Hundred Twenty Nine) only left by the deceased Late Lashmi Gowala (hereinafter referred to as "the deceased"). The deceased who was the mother of the petitioner had breathed her last on 29.12.2016 and during her lifetime, she was a resident of Bholaguri Tea Estate, P.S.- Gohpur, Dist.-Biswanath, Assam.

At the time of her demise, the deceased had left behind her two sons, the instant petitioner and his brother who is made the opposite party 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 her death to the tune of Rs. 2,29,829/- (Rupees Two Lakhs Twenty Nine Thousand Eight Hundred Twenty Nine) only in her Provident fund Claim Settlement bearing no.- 539, 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 deceased and in light of the same is a competent and 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 nor any legal impediment which would restrict the grant of the certificate as prayed for.

Upon receipt of the said petition, notices were 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 averred by him in his 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 husband of the deceased, **Ext.2** is the PF Claim, **Ext. 3** is the Next of Kin Certificate of the deceased which reflects and affirms the date of death of the deceased and also sheds light and confirms the nature of relationship between the deceased, opposite party and the petitioner, **Ext.4** is the Death Certificate of the deceased, **Ext.5** is the Voter ID of the Petitioner and **Ext.6** is his PAN Card.

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, Mr. Gajab Gowala to the tune of **Rs. 2,29,829/- (Rupees Two Lakhs Twenty Nine**

**Thousand Eight Hundred Twenty Nine)** only in the Provident fund Claim Settlement bearing no.- 539, subject to payment of requisite Court fee over the aforesaid sum.

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

SONITPUR DISTRICT JUDICIARY