

ORDER

19.02.2021:

1. The petitioner is represented. The instant case has been filed by the petitioner, namely, Sri Broja Gopal Paul u/s 372 of Indian Succession Act, 1925, for grant of succession certificate in favour of the petitioner in respect of debts and securities of his deceased son, Late Gautam Kumar Paul @ Gautam Paul.
2. The petitioner in his petition mentioned that he is the father of the above named deceased who expired intestate on 22.10.2019. He stated that the deceased left behind him as only as next kin and successor as the deceased was unmarried.
3. He stated that no will or 'codicil' nor any letter of administration was left by the deceased in respect of his debts and securities.
4. The petitioner therefore applied for obtaining a succession certificate in his favour in respect of the debts and securities of his deceased son and according to him, he is the fit person to claim succession certificate in respect of his debt and securities which he mentioned in the schedule of the petition as herein below described:

| Name of the debtor | Particulars | Amount |
|--|----------------------------|-------------------|
| State Bank of India, Biswanath Chariali Branch | SB Account no. 11267011177 | Rs. 6,75,372.76/- |

5. Notices were duly issued on the last residence of the deceased and general public but none appeared for which the case proceeded ex-parte.
6. I have heard arguments advanced by the learned counsel for the petitioner. The petitioner adduced his evidence through affidavit. He also has proved the following documents:
 - i) Ext. 1: Death Certificate of the deceased Late Gautam Kumar Paul @ Gautam Kumar Pal issued by the Department of Health and Family Welfare, West Bengal, Rural Hospital Dwarikanagar, showing his date of death as 22.10.2019.
 - ii) Ext. 2: Concerned Savings Bank Passbook in the name of the deceased.

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iii) Ext.3: Next kin Certificate issued by the Gaonburah Biswanath Mouza, Lehugaon Lot dated 19.12.2019 wherein it has been certified that the petitioner is the only next kin and successor of the deceased.

7. The petitioner- PW1 testifies through his evidence-on-affidavit in support of his petition and stated that the deceased Late Gautam Kumar Paul @ Gautam Kumar Pal was his son. He testified that his son died on 22.10.2019. Same has been proved by Ext. 1. He testified that he is the only legal heir and next kin of the deceased and this has been proved by Ext. 3. He in his evidence stated that the deceased has left Rs. 6,75,372.76/- in his bank account, which is supported by Ext. 2. He testified that the deceased has not left behind any WILL or codicil or any letter of administration in respect of his debts and securities.

8. Thus upon going through the evidence on record, we do not find anything to doubt the veracity of evidence as adduced by the petitioner, PW1. As such, the petition is allowed. It is therefore directed that succession certificate as prayed for be issued in favour of the petitioner after obtaining proper Court fees over the afore said amount.

9. The Misc. (SC) case is disposed of accordingly.



Adl. District Judge
Biswanath Charahi, Sonapat