

ORDER

19.02.2021:

1. The petitioner is represented. The instant case has been filed by the petitioner, namely, Smti Arati Borthakur 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 her deceased husband, Late Upen Borthakur.

2. The petitioner in her petition mentioned that she is the wife of the above named deceased who expired intestate on 25.02.2019. According to her, her husband left her and the Opposite party- his son as his legal heirs and successors. She stated that she is the fit person for granting of a succession certificate in her name in respect of the debts and securities of the said deceased.

3. She further 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 her favour in respect of the debts and securities of her deceased husband which she has mentioned in the schedule of the petition as herein below described:

An amount of Rs. 50,000/- as a death claim against policy no. 482646470 of Biswanath Chariali Branch on the life of Late Upen Borthakur.

5. Notices were duly served on the Opposite party, 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 her evidence through affidavit as PW1 wherein she supported her petition. She also has proved the following documents:

i) Ext. 1: Death Certificate of the deceased Late Upen Borthakur issued by the Department of Health Services, Govt. of Assam- Registrar of Births & Deaths, Kamrup, Amingaon, Guwahati, showing his date of death as 25.02.2019.

19.02.2021:

ii) Ext.2- Next Kin Certificate issued by the Govt. Gaonburah dated 16.08.2019 showing both the parties to be the only next kin of the deceased.

iii) Ext.3- LICI original policy no 482646470 showing the life of the deceased insured.

iv) Ext.4- Certificate asking for succession certificate issued by the LICI, Biswanath Chariali Branch against the said policy for the death claim amount of Rs. 50,000/-.

7. The petitioner- PW1 testifies through her evidence-on-affidavit in support of her petition and stated that the deceased Upen Borthakur was her husband. She testified that her husband died on 25.02.2019. Same has been proved by Ext.1. She testified that she and the Opposite party are the only legal heirs and next kin of the deceased and this has been proved by Ext.2. She in her evidence stated that the deceased had his life insured for Rs. 50,000/-, which is supported by Ext.3. She 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.



Addl. District Judge
Biswanath Chariali, Sunagar