

ORDER

19.02.2021:

1. The petitioner is represented. The instant case has been filed by the petitioner, namely, Smti Manika Mura 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 uncle, Late Puspa Mura.

2. The petitioner in her petition mentioned that she is the niece of the above named deceased who expired intestate on 28.02.2019. According to her, her uncle left her and the Opposite party- his niece and nephew as his legal heirs and successors. According to her, she and the Opposite party, Ram Mura looked after him till his death. 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 the deceased was unmarried without having any of his parents living or any next kin except them and 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 uncle which she has mentioned in the schedule of the petition as herein below described:

Name of Debtor	How debt secured	Amount
UCO Bank, Biswanath Chariali Branch	SB Account no. 04190100000843 in the name of Puspa Mura	Rs. 8,00,941/-

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. She also has proved the following documents:

i) Ext. 1: Death Certificate of the deceased Late Puspa Mura issued by the Department of Health Services, Govt. of Assam-

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Registrar of Births & Deaths, Japoubari NPHC, showing his date of death as 28.02.2019.

ii) Ext.2- Savings Bank Account passbook in the name of the deceased.


iii) Ext.3- Resident Certificate in favour of both the parties issued by Gaonburah.

iv) Ext.4- Next Kin Certificate issued by the Govt. Gaonburah dated 14.11.2019 showing both the parties to be the only next kin of the deceased.

7. The petitioner- PW1 testifies through her evidence-on-affidavit in support of her petition and stated that the deceased Puspa Mura was her uncle. She testified that her uncle died on 28.02.2019. 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.4. She in her evidence stated that the deceased has left a sum of Rs.8,00,941/- in his bank account, which is supported by Ext.2. 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.


Dist. District Judge
Dumkani, Orissa, Sankar