

BEFORE THE COURT OF MUNSIFF, GOHPUR
SONITPUR

MISC. (SUCCESSION) CASE NO. 03 of 2020
Under Section 372 of the Indian Succession Act, 1925

Mr. Achin Kishan

S/O Late Pradip Kishan

Permanent R/O: New Purupbari Tea

Estate

P.O.- Gohpur

P.S- Gohpur,

Dist.-Biswanath,

Assam

.....**Petitioner**

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

ORDER

23.08.2021

The petitioner is duly represented.

This instant proceeding has originated on the filing of a petition by the petitioner, namely Mr. Achin Kishan 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. 4,12,448.38 /- (Rupees Four Lakhs Twelve Thousand Four Hundred Forty Eight and Thirty Eight Paisa) only left by the deceased Late Pradip Kishan (hereinafter referred to as "the deceased"). The deceased was the late father of the petitioner who had breathed his last on 20.04.2018 and during his lifetime till his death, was a resident of New Purupbari Tea Estate, P.O.- Gohpur, P.S.- Gohpur, Dist.-Biswanath, Assam.

At the time of his demise, the deceased had left behind his son, the instant petitioner and his six other siblings, who have been made the Opposite parties in this case.

It is brought forth in the petition that the deceased had left behind the debts and securities at the time of his death to the tune of Rs. 4,12,448.38 /- (Rupees Four Lakhs Twelve Thousand Four Hundred Forty Eight and Thirty Eight Paisa) only with Rs. 60,450/- (Rupees Sixty Thousand Four Hundred and Fifty) only in LIC death claim bearing policy no. 484547924 and Rs. 3,51,998.38/ - (Rupees Three Lakhs Fifty One Thousand Nine Hundred and Ninety Eight and Thirty Eight paisa) only in PF Claim Settlement bearing no. 1140, 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, 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 nor any legal impediment which would restrict the grant of the certificate as prayed for.

Upon receipt of the said petition, notices were issued and the same 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 stated 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 voter ID of the Petitioner, **Ext.2** is the Next of Kin Certificate of the deceased which reflects and affirms the date of death of the said deceased and also sheds light and confirms the nature of relationship between the said deceased, the petitioner and the Opposite Parties, **Ext. 3** is the Death Certificate of the deceased, **Ext.4** is the PF Claim, **Ext.5** is the death Certificate of Late Sumitra Kishan (late mother of the Petitioner) and **Ext. 6** is the LIC Policy.

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. 4,12,448.38 /-* (*Rupees Four Lakhs Twelve Thousand Four Hundred Forty Eight and Thirty Eight Paisa*) only with *Rs. 60,450/-* (*Rupees Sixty Thousand Four Hundred and Fifty*) only in LIC death claim bearing policy no. 484547924 and *Rs. 3,51,998.38/ -* (*Rupees Three Lakh Fifty One Thousand Nine Hundred and Ninety Eight and Thirty Eight paisa*) only in PF Claim Settlement bearing no. 1140, subject to payment of requisite Court fee over the aforesaid sum.

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

Munsiff

Gohpur, Sonitpur