

ORDER

25.11.2020:

1. The petitioner is represented. The instant case has been filed by the petitioner, namely, Smti Manjula Bhagawati 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 Gakul Bhagawati.

2. The petitioner in her petition mentioned that she was the legally married wife of the above named deceased who expired intestate on 02.07.2018. According to her, her husband left her and their only son and two daughters, i.e., the three Opposite parties- 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:

By whom to be paid	Description of debts and securities	Amount
1. UCO Bank, Biswanath Chariali standing in the name of Gakul Bhagawati	Bearing A/C No. 04190100003132 IFSC No. UCBA0000419 UCO Bank, Biswanath Chariali Branch	Rs. 15,54,906/-
2. The Assam Co-operative Apex Bank Ltd., Biswanath Chariali Branch	Bearing A/C no. 601042010002602 IFSC: HDFCOCACABL	Rs. 6,605/-


5. Notices were duly served on the Opposite parties 1 & 2, last residence of the deceased and general public but none appeared for which the case proceeded ex-parte. The O.P. no. 3 on the other hand vide petition no. 123/20 with supporting affidavit stated that she has no objection against the prayer of the petitioner.

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:

Contd...

25.11.2020:

- i) Ext. A: Death Certificate of the deceased Late Gakul Bhagawati issued by the Department of Health Services, Govt. of Assam-Registrar of Births & Deaths, Biswanath Chariali PHC, showing his date of death as 02.07.2018.
 - ii) Ext.B: The UCO Bank Account passbook in the name of the deceased bearing Account No. 04190100003132 with a balance of Rs. 15,54,906/- (Rupees Fifteen Lakh, Fifty- Four Thousand, Nine Hundred & Six) only.
 - iii) Ext. C: The Assam Co-operative Apex Bank Account passbook bearing A/c no. 601042010002602 in the name of the deceased with a balance of Rs. 6,605/- (Rupees Six Thousand, Six Hundred & Five) only.
 - iv) Ext. D: Next kin Certificate issued by the Ward Commissioner of Ward no. 12, BNC Municipal Board dated 07.11.2019 wherein it has been certified that the petitioner and the Opposite parties are the only next kin and successors of the deceased.
7. The petitioner- PW1 testifies through her evidence-on-affidavit in support of her petition and stated that the deceased Gakul Bhagawati was her husband. She testified that her husband died on 02.07.2018. Same has been proved by Ext. A. She testified that she and the Opposite parties are the only legal heirs and next kin of the deceased and this has been proved by Ext. D. She in her evidence stated that the deceased has left a sum of Rs. 15,54,906/- (Rupees Fifteen Lakh, Fifty- Four Thousand, Nine Hundred & Six) only in his UCO Bank account, which is supported by Ext. B and a sum of Rs. 6,605/- (Rupees Six Thousand, Six Hundred & Five) only in his Assam Co-operative Apex Bank Account, which is supported by Ext. C. 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.


J. S. Choudhary
District Judge