

ORDER

06.05.2019:

1. The petitioner is represented. The instant case has been filed by the petitioner, namely, Smti Shafali Bordhan 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 son, Late Dwipen Bordhan.
2. The petitioner in her petition mentioned that she is the mother of the above named deceased who expired intestate on 21.06.2018. According to her, the father of the deceased, Kumud Bardhan and his brother, Jaydev Bardhan had died on 19.07.2017 and 05.10.2014 respectively. According to her, she is the only legal heir and successor to the deceased Dwipen Bordhan. 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 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 the deceased Late Dwipen Bordhan which she has mentioned in the schedule of the petition as herein below described:

Name of debtor	Amount	Particulars
1. LIC of India, Biswanath Chariali Branch.	Rs. 12,321/-	Policy no. 483595913
2. LIC of India, Biswanath Chariali Branch.	Rs. 1,15,200/-	Policy no. 486215664

Total Rs. 1,27,521/- (Rupees One Lakh Twenty-seven thousand Five hundred twenty one only).

5. Notices were duly served 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 her evidence through affidavit as PW1. She also has proved the following documents:

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- i) Ext. 1: Death Certificate of the deceased Late Dwipen Bardhan issued by the Department of Health Services, Govt. of Assam- Registrar of Births & Deaths, Chariali PHC, showing his date of death as 21.06.2018.
- ii) Ext.2: Death Certificate of Kumud Bardhan showing his date of death as 19.07.2017 issued by the Registrar of Births & Deaths, & M & H O-1, Japoubari NPHC, Assam.
- iii) Ext.3- Death Certificate of Jaydev Bardhan showing his date of death as 05.10.2014 issued by the Registrar of Births & Deaths & M&HO- 1, Japoubari, NCHC, Assam.
- iv) Ext. 4 & 5: The original LIC policies in the name of the deceased.
- v) Ext.6: Certificate issued by the AAO, LIC of India, Biswanath Chariali Branch stating requirement of succession certificate for payment of death claim relating to the said policies.
- vi) Ext. 7- Next kin certificate issued by Gaonburah.

7. The petitioner- PW1 testifies through her evidence-on-affidavit in support of her petition and stated that the deceased Dwipen Barhdan was her son. She testified that the father of the deceased, Kumud Bardhan died on 19.07.2017 and his brother Jaydev Bardhan died on 05.10.2014. Same has been proved by Exts.1 & 2. She testified that she is the only legal heir of the deceased and this has been proved by Ext.7. She in her evidence stated that the deceased has left behind LIC policies in his name worth Rs. 1,27,521/- which is supported by Ext.6. She testified that the deceased has not left behind no will or codicil nor 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. 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.



4000, District Judge-
Biswanath Chariali, Guwahati