

IN THE COURT OF DISTRICT JUDGE , SONITPUR AT TEZPUR

Misc.(Succession) Case No. :- **86 of 2014.**

Present : **Sri Mridul Kumar Kalita, AJS
District Judge, Sonitpur
Tezpur**

Petitioner 1. Sri Chinmoy Dutta,
S/O Late Chitta Ranjan Dutta,
Resident of village – Durung Tea
Estate, PO. Bindukuri,
PS-Tezpur.
Mouza- Goroimari,
Dist. Sonitpur (Assam).

Counsel for the Petitioner : Sri A. Bhuyan, Advocate.

Date of hearing : 23/04/2015

Date of Judgment : 02/05/2015

O

O R D E R.

1. This Misc. Succession Case was registered on receipt of an application under Section 372 of Indian Succession Act, filed by petitioner Sri Chinmoy Dutta for issuance of Succession Certificate in his favour in respect of deposits (fully described in the schedule to the application u/s 372 of Indian Succession Act) left by his father Late Chitta Ranjan Dutta.

2. Brief facts for consideration of the instant application are as follows:

(i) Late Chitta Ranjan Dutta was the permanent resident of village Durung Tea Estate, PO. Bindukuri, PS-Tezpur, Mouza- Goroimari, in the district of Sonitpur within the jurisdiction of this Court. He expired on 11-12-2005 leaving the present petitioner and Sri Sanjay Dutta (son) as his heirs.

(ii) As per the statement made by the applicant, there is no impediment u/s 372 or any other provisions of Indian Succession Act or any other enactment to the grant of Succession Certificate as prayed for.

(iii) The property left by the deceased as described in the schedule to the petition is as follows:-

SCHEDULE

Name of the debtor	Details of amount	Description of property.
Post Office, Bindukuri.	Rs. 10,000/-	1 No. of Kisan Vikas Patra (KVP) vide No. 82 CC 536874 dt 28-03-2001
Post Office, Rangapara.	Rs. 40,000/-	4 Nos. of Kisan Vikas Patra (KVP) vide No. 19CD 927741, No. 19CD 927742, No. 19CD 927743 and No.19CD 927744 dt 19-05-2003

3. After registration of the instant case, notices were duly issued and served to Sri Sanjay Dutta, as well as in the last residence of deceased Chitta Ranjan Dutta, Notice Board of Deputy Commissioner, Sonitpur, Tezpur, District Judge, Sonitpur, Circle Office, Sonitpur and Mouzadar of Goroimari Mouza, Sonitpur. No one appeared to contest the claim of the petitioner.

4. The petitioner Sri Chinmoy Dutta adduced evidence-on-affidavit wherein, he reiterated the statements which he has made in the application under Section 372 of Indian Succession Act. He has also exhibited the Death Certificate of Chitta Ranjan Dutta as **Ext.6**, 5 numbers of Kishan Vikas Patra as **Ext. 1 to Ext. 5**. As the petitioner is the elder son of the deceased Chitta Ranjan Dutta and, therefore, he is the legal heir of the deceased and as the another legal heir Sri Sanjay Dutta has not contested the claim as well as considering the evidence on record, I do not find any impediment in granting the Succession Certificate as prayed for in favour of the petitioner.

Accordingly, the prayer is allowed.

5. Issue Succession Certificate in favour of petitioner Chinmoy Dutta in respect of the schedule properties left by his deceased father,

SCHEDULE

Name of the debtor	Details of amount	Description of property.
Post Office, Bindukuri.	Rs. 10,000/-	1 No. of Kisan Vikas Patra (KVP) vide No. 82 CC 536878 dt 28-03-2001
Post Office, Rangapara.	Rs. 40,000/-	4 Nos. of Kisan Vikas Patra (KVP) vide No. 19CD 927741, No. 19CD 927742, No. 19CD 927743 and No.19CD 927744 dt 19-05-2003
Total	Rs. 50,000/-	

(Rupees Fifty thousand) only.

6. This Misc. Succession Case is accordingly disposed of on exparte.

7. Given under my hand and seal of this court on this day, the 2nd day of May, 2015.

(M.K. Kalita)
District Judge,
Sonitpur, Tezpur.

Dictated and corrected by me.

(M.K. Kalita)
District Judge,
Sonitpur, Tezpur.

Typed and transcribed by me.

(R. Hazarika)
Steno.