

Assam Schedule VIII. Form No. 143
High Court Form No. (J) 13

ORDER-SHEET FOR CIVIL COURT

DISTRICT : SONITPUR
IN THE COURT OF THE DISTRICT JUDGE, SONITPUR, TEZPUR

Misc (S/C) Case No. 35 of 2020
Sri Rabiram Bauri, Petitioner

Serial No. of Orders	Date	Order	Signature
	<u>19-01-2022</u>	<p>This is an application u/s 372 of Indian Succession Act, 1925 praying for grant of Succession Certificate in respect of schedule property i.e. Rs. 37,958.74/- (Rupees Thirty Seven Thousand Nine Hundred Fifty Eight and Seventy Four Paisa) only left by deceased Sokhiram Bawri in the P.F. Account, being P.F. No. 2746 of Mcleod Russel India Ltd., Rupajuli Tea Estate, P.O. & T.O.- Bindukuri, District- Sonitpur, Assam.</p> <p>Learned counsel for petitioner filed a petition No. 325/2022 praying to correct the age of the petitioner wrongly mentioned in the main petition as 54 years instead of 61 years.</p> <p>Seen the petition and heard the learned counsel for petitioner. Accordingly, prayer is allowed.</p> <p>Bench Assistant is directed to correct the age of the petitioner mentioned as 54 years to 61 years.</p> <p>Further, on perusal of the main petition, it is seen that petitioner Sri Rabiram Bauri is a permanent resident of Kathalguri T.E., Mouza- Goroimari, P.O.- Bindukuri, P.S.- Rangapara, Sonitpur, Assam. It is further stated that at the time of death, deceased left behind the following heirs namely, brother Sri Rabiram Bauri, aged 61 years (corrected as prayed in petition No. 325/2022), brother Babul Bawri, aged 38 years, brother Bunu Bawri, aged 42 years, and brother Bhola Bawri, aged 50 years.</p>	

It is also seen that deceased left no WILL or Letter of Administration or Probate in respect of estate of deceased i.e. the schedule property i.e. Rs. 37,958.74/- (Rupees Thirty Seven Thousand Nine Hundred Fifty Eight and Seventy Four Paisa) only in the P.F. Account, being P.F. No. 2746 of Mcleod Russel India Ltd., Rupajuli Tea Estate, P.O. & T.O.- Bindukuri, District- Sonitpur, Assam.

On the basis of the application, notices were issued to the other legal heirs which were duly served and they appeared in court with joint evidence-in-affidavit stating that they have no objection of petitioner getting the legal heir certificate in respect of the estate of the deceased. On being asked, the petitioner filed evidence-on-affidavit reiterating the facts narrated in the petition corroborating the stand taken in the petition u/s 372 of Indian Succession Act.

In support of the contention, petitioner has submitted Certificate of Death Certificate of his brother deceased Sokhiram Bawri vide Registration NO. 589/2018 dated 05/12/2018 marked as Ext. 1, P.F. No. 2746 of Rupajuli Tea Estate marked as Ext. 2, Identity card of deceased, marked as Ext. 3, Elector Photo Identity card of petitioner, marked as Ext. 4, Elector photo identity card of Babul Bawri, marked as Ext. 5 and Elector photo identity card of Bhola Bawri marked as Ext. 6.

It is also seen that there is no legal impediment u/s 370 or any other law in granting Succession Certificate.

Having been satisfied with the authenticity of facts, petitioner Sri Rabiram Bauri appears to be appropriate person to get the Succession Certificate in respect of Schedule Property i.e. Rs. Rs. 37,958.74/- (Rupees Thirty Seven Thousand Nine Hundred Fifty Eight and Seventy Four Paisa) only with up to date interest, if any, in the P.F. Account, being P.F. No. 2746 of Mcleod Russel India Ltd., Rupajuli Tea Estate, P.O. & T.O.- Bindukuri, District- Sonitpur, Assam.

Accordingly, succession certificate in favour of petitioner Sri Rabiram Bauri in respect of schedule property of Rs. 37,958.74/- (Rupees Thirty Seven Thousand Nine Hundred Fifty Eight and Seventy Four Paisa) only with up to date interest, if any, is granted subject to payment of requisite Court fee.

Accordingly, the case is disposed off.

(C.B. GOGOI)
District Judge
Sonitpur, Tezpur