

**HIGH COURT FORM NO (J) 13**

Form of Order Sheet

DISTRICTS : SONITPUR

**IN THE COURT OF DISTRICT JUDGE, SONITPUR AT TEZPUR****Misc.(Succession) Case No. 39 of 2021****Smti Luna Das ::: Petitioner**

<b>Sl. No. of Order</b>	<b>Date</b>	<b><u>order</u></b>	<b>Signature</b>
	<b><u>14-11-22</u></b>	<p>This is an application u/s 372 of Indian Succession Act, 1935 praying for grant of Succession Certificate in respect of schedule property against total amount of Rs. 65,780.62 (Rupees Sixty Five thousand Seven hundred Eighty and Sixty two paisa) only left by deceased <b>Naba Kumar Das</b>.</p> <p>It is pleaded that petitioner Smti Luna Das is a permanent resident of village Milanpur Kochar Chuburi, Mouza Haleswar, PO- Dipota, P.S. Tezpur, District- Sonitpur, Assam. It is further stated that at the time of death of deceased i.e. on 14-10-2015, he left behind the legal heir i.e. the petitioner (Luna Das-21 years (unmarried daughter) and other legal heirs, namely Smti Pompi Das- 33 years (daughter), Smti Pinki Das Kalita- 32 years (daughter), Sri Arunjyoti Das- 30 years (son), Sri Dibyajyoti Das- 26 years (son) and Smti Polly Das Borah- 36 years (daughter). It is also pleaded that the wife of the deceased predeceased him.</p> <p>It is also seen that deceased left no WILL or Letters of Administration or Probate in respect of estate of deceased in respect of the schedule property i.e. an amount of Rs. 65,780.62 (Rupees Sixty Five thousand Seven hundred Eighty and Sixty two paisa) only with State Bank of India, Tezpur Bazar Evening Branch, Tezpur, S/B A/C No. 10736761953.</p> <p>There is no legal impediment u/s 370 or any other law in granting Succession Certificate.</p> <p>On being asked, petitioner filed evidence-on-affidavit reiterating the facts narrated in the petition corroborating the</p>	

stand of the petitioner taken in the petition u/s 372 of Indian Succession Act. It is stated that the pension amount of her deceased father be transferred to her SBI A/C No. 35384852379.

The other legal heirs of the deceased i.e. namely Smti Pompe Das- 33 years (daughter), Smti Pinki Das Kalita- 32 years (daughter), Sri Arunjyoti Das- 30 years (son), Sri Dibyajyoti Das- 26 years (son) and Smti Polly Das Borah- 36 years (daughter) filed NOC submitting that they have no objection if the Succession Certificate is granted in the name of their sister Smti Luna Das.

In support of the contention, petitioner has also submitted Death Certificate of her father marked as Ext. 1, Pension Book of her deceased father marked as Ext. 2, Death certificate of her mother Mamoni Das marked as Ext. 3, Birth Certificate of petitioner Luna Das marked as Ext. 4 and Pass Book of petitioner Luna Das marked as Ext. 5 and Pass Book of deceased Naba Kumar Das (SBI A/C No. 10736761953) marked as Ext. 6 and Certificate issued by Gaonburah of Dipota Hatkhola and Uinipathar marked as Ext. 7.

Having been satisfied with the authenticity of facts and the petitioner being the unmarried daughter of the deceased, she appears to be only person to get the Succession Certificate in respect of Schedule Property i.e. an amount of Rs. Rs. 65,780.62 (Rupees Sixty Five thousand Seven hundred Eighty and Sixty two paisa) only with up to date interest if any or whichever amount is admissible.

As per Rules 141 and 142 of the ASPR, 1968 –

“Unmarried dependent daughter(s) eligible for family pension for the life time or marriage whichever is earlier in terms of Govt. Notification No. PPG(G) 10/2013/49 dated 09-08-2018”.

Since the petitioner Smti Luna Das is the unmarried daughter of the deceased, she is entitled to family pension of her deceased father for her life time or marriage whichever is earlier. Accordingly, the family pension of her deceased father be

transferred to her SBI A/C No. 35384852379.

Accordingly, Succession certificate in favour of petitioner as prayed for is hereby granted with payment of up to date interest, if any, subject to payment of requisite Court fee by executing a bond of similar amount with a promise to return the same amount, if required.

Accordingly, the petition is disposed off.

(C.B. Gogoi )  
District Judge,  
Sonitpur:Tezpur