

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. 40 of 2022****Smti Rupa Paul :: Petitioner.**

| Sl. No. of Order | Date | <u>order</u> | Signature |
|-------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| | <u>06-12-22</u> | <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 LIC Policy No. 483437819, Tezpur Branch, amounting to Rs. 1,90,000/- and against LIC Policy No. 485352542, Tezpur Branch, amounting to Rs. 7,70,000/- totalling an amount of Rs. 9,60,000/- (Rupees Nine lacs Sixty thousand) only left by deceased Krishnendu Paul.</p> <p>It is pleaded that petitioner Rupa Paul is a permanent resident of Natun Para, Tezpur, Ward No. 13, near B.K. Memorial Hospital, PO & P.S. Tezpur, District- Sonitpur, Assam. It is further stated that at the time of death of deceased Krishnendu Paul i.e. on 30-12-2021, he left behind the petitioner Rupa Paul (wife), Miss Aditi Paul, 4 years, (minor daughter, who is represented by her legal guardian/mother Rupa Paul) and Smti Bharati Paul (mother).</p> <p>It is also seen that deceased left no WILL or Letter of Administration or Probate in respect of estate of deceased in respect of the schedule property i.e. an amount of Rs. 9,60,000/- (Rupees Nine lacs Sixty thousand) only.</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 stand of the petitioner taken in the petition u/s 372 of Indian Succession Act.</p> | |

The other legal heirs, Miss Aditi Paul, who is a minor aged about 4 years is represented by her legal guardian/mother Smti Rupa Paul. Smti Bharati Paul (mother) of the deceased has filed an affidavit submitting that she has no objection if the Succession Certificate is granted in the name of the petitioner Rupa Paul.

In support of the contention, petitioner has also submitted Death Certificate of her husband Krishnendu Paul marked as Ext. 1, original copy of LIC Policy No. 483437819 marked as Ext. 2, original copy of LIC Policy No. 485352542 marked as Ext.3, original copy of the certificate issued by LIC, Tezpur Branch marked as Ext. 4 and Adhar Card of petitioner Rupa Paul marked as Ext. 5.

Having been satisfied with the authenticity of facts and the petitioner being the wife of the deceased and guardian of the minor, she appears to be only person to get the Succession Certificate in respect of Schedule Property i.e. total amount of Rs. 9,60,000/- (Rupees Nine lacs Sixty thousand) only.

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 Succession Case is disposed off.

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