

**IN THE COURT OF THE ADDL. DISTRICT JUDGE -2 (FTC), TINSUKIA**

**District : Tinsukia**

**Present : Sri B. Sutradhar, AJS,**  
Addl. District Judge-2 (FTC),  
Tinsukia.

**Misc. Succession Case no. 29 of 2020**

U/s. 372 of the Indian Succession Act, 1925.

1. Sri Raju Munda,  
S/o. Lt. Samel Munda,  
R/o. Doom-dooma, 7 no. line,  
P.O. Dohutia, P.S. Baghjan,  
Dist. Tinsukia, Assam..... Petitioner.

-Versus

1. Smt. Chukurmoni Munda,  
D/o. Lt. Samel Munda,
2. Sri Amit Munda,  
S/o. Lt. Samel Munda,
3. Sri Ohm Munda,  
S/o. Lt. Samel Munda,
4. Smt. Sulami Samel,  
D/o. Lt. Samel Munda,
5. Sri Salmi Samel,  
S/o. Lt. Samel Munda,
6. Smt. Debari Samel,  
D/o. Lt. Samel Munda,
7. Sri Sunil Samel,  
S/o. Lt. Samel Munda,
8. Smt. Simi Samel,  
D/o. Lt. Samel Munda,

9. Sri Sanjet Samel,  
S/o. Lt. Samel Munda,

All are resident of Deomoolie T.E, 7 no. Line,  
P.O – Dohutia, P.S. Baghjan, Dist. - Tinsukia, Assam.

.....Opposite Parties.

Appeared :-

Miss S. Yasmin.

Advocate.....For the Petitioner

Date of Argument : 01.04.2021

Date of Judgment : 01.04.2021

### **JUDGMENT**

- 1.** The instant application has cropped up on the basis of petition no. 2542/2020 filed by the Petitioner namely, Sri Raju Munda, S/o. Lt. Samel Munda, R/o. Deomoolie T.E, 7 no. Line, P.O – Dohutia, P.S. Baghjan, Dist. - Tinsukia, Assam. The petition has been filed U/s. 372 of the Indian Succession Act, 1925, wherein the Petitioner has prayed for grant of Succession certificate due to death of his mother, namely, Lt. Basmoti Sukru who died on 08.08.2018 at Deomoolie T.E, 7 no. Line, P.O – Dohutia, P.S. Baghjan, Dist. - Tinsukia, Assam. The deceased was a permanent worker of the Deamoolie Tea Estate at the time of her death. The Petitioner further reiterated that the deceased had left her four daughters and six sons including himself as her legal heir. Besides, the last resident of the deceased was at the address as mentioned in paragraph 1 of the instant petition. The petitioner being the son of the deceased is fit and proper person to be entitled for succession certificate as prayed for by him. Besides, there is no impediment U/s. 370 of the Succession Act. Further, the deceased has not left any nominee of the amount and no Will

or letter of Administration regarding the said debts and securities were executed by her in her life time. As such, the Petitioner prayed for granting of Succession certificate in his favour.

2. From the schedule of the petition it has percolated that the debts and securities in respect of the amount are fully described in the schedule of the Petition.

### **SCHEDULE**

Sl. No.	Name of the Debtor	Amount of debts including interest on the date of application	Description of Debts and investment in any by which debt is secured.
1.	Manager, Deomoolie Tea Estate	Rs. 59,120.03 ( Fifty Nine Thousand One Hundred Twenty Rupees Three Paise) Only.	Provident Fund No. 15321.

3. The Court has heard the learned counsel of the petitioner and also gone through the materials on record available at hand. The Opposite Parties as well as the relevant offices have been duly served with notices but, none of them has filed any objection against the succession petition by appearing before the Court. As such, the Court has heard ex-parte regarding the petition and also scanned the materials available at hand before this Court. The Petitioner has filed the evidence on affidavit, whose contents seem to be similar and identical as that of the contents of Succession petition filed U/s. 372 of the Indian Succession Act. As such, the contents of evidence on affidavit are not repeated here for sake of brevity.

4. The petitioner has submitted the death certificate of his mother, namely, Lt. Basmoti Sukru i.e, Ext. 1, Death certificate issued by Department of Health Services, Doomdooma FRU and from Ext. 1, it seems that the deceased Lt. Basmoti Sukro had died on 08.08.2018. The Petitioner has also submitted the legal heir certificate, Ext. 2, which has been obtained from the District Administration on 16.09.2020 from where, it has emerged that the Petitioner and his sons and daughters, i.e. Opp. Parties are the legal heirs of the deceased. Though the Petitioner has not exhibited the Income certificate of the deceased, he has mentioned

the details of income in his evidence in affidavit. Hence, it is emerged that, the deceased had Provident Fund dues of Rs. 59,120.03 ( Fifty Nine Thousand One Hundred Twenty Rupees Three Paise) Only. As there is no objection from any one regarding the aforesaid amount, as such, the Court is of pondered view that the petition can be entertained by keeping in mind the documents submitted in support of the Succession petition.

- 5.** Accordingly, the petition No. 2542/2020 is hereby allowed and as such, the Succession certificate is granted to the petitioner namely, Sri Raju Munda, with regard to the debts and securities of Lt. Basmoti Sukru as described in the schedule of the petition and upon payment of requisite Court fee.

As such, the instant petition is disposed of on aforesaid terms and conditions.

- 6.** Given under my hand and seal of this Court on this the 01<sup>st</sup> April, 2021.

Dictated & corrected by me:

(B. Sutradhar.)  
Addl. District Judge-2(FTC),  
Tinsukia(Assam)

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