

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. 32 of 2020
U/s. 372 of the Indian Succession Act, 1925

(1) Sri Budang Durga,
S/o. Lt. Durga Mandra,
R/o. Deamoolie T.E, 7 no. line,
P.O. Dohutia, P.S. Baghjan,
District Tinsukia, Assam.....Petitioner.

-Versus-

(1) Smt. Mangri Fagu,
W/o. Late Durga,
A resident of Deamoolie T.E, 7 no. line,
P.O. Dohutia, P.S. Baghjan,
District Tinsukia, Assam.....Opposite Party.

Appeared :-

Miss S. Yasmin, Advocate.
Advocate.....For the Petitioner

Date of Argument : 01.04.2021

Date of Judgment : 12.04.2021.

J U D G M E N T

- 1.** The instant application has cropped up on the basis of petition no. 2613/2020 filed by the Petitioner namely, Sri Budang Durga, S/o. Lt. Durga Mandra, R/o. Deamoolie T.E, 7 no. line, P.O. Dohutia, P.S. Baghjan, District 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 brother, Lt. Monglu Durga, S/o. Lt. Durga Mandra, R/o. Deamoolie T.E, 7 no. line, P.O. Dohutia, P.S. Baghjan, District Tinsukia, Assam who died on 04.06.2019 at Deamoolie T.E. The deceased was a permanent worker of Deamoolie T.E at the time of his death. The Petitioner further reiterated that the deceased had left his mother, Smt. Mangri Fagu(52 Yrs.) and himself, Sri Budang Durga(34 Yrs.) as his legal heirs. Besides, the last resident of the deceased was at the address as mentioned in paragraph 1 of the instant petition. The petitioner being the brother 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 him in his 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.

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, Deamoolie Tea Estate	Rs. 1,23,370.56 (Rupees One Lakh Twenty Three Thousand Three Hundred Seventy & Fifty Six Paise) Only.	<u>Provident Fund No. :</u> <u>3732</u>

- 3.** The Court has heard the learned counsel of the petitioner and also gone through the materials on record available at hand.

- 4.** The Opposite Party 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.
- 5.** 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.
- 6.** The petitioner has submitted the death certificate of his brother namely, Lt. Monglu Durga. i.e, Ext. 1, Death certificate issued by Department of Health Services, Doomdooma FRU and from Ext. 1, it seems that the deceased Lt. Monglu Durga had died on 04.06.2019. The Petitioner has also submitted the legal heir certificate, Ext. 2, which has been obtained from the District Administration, Tinsukia on 24.12.2019 from where, it has emerged that the Petitioner, himself and his mother, Smt. Mangri Fagu (52 Yrs.) are the legal heirs of the deceased. The Petitioner has not exhibited any Income certificate of the deceased from the garden authority, but he reflected the income of the deceased in his evidence on affidavit, from where it is emerged that, the deceased had left Provident Fund dues of Rs. 1,23,370.56 (Rupees One Lakh Twenty Three Thousand Three Hundred Seventy & Fifty six Paise) Only including interest etc. As there is no objection from any one regarding the aforesaid petition, 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.
- 7.** Accordingly, the petition No. 2613/2020 is hereby allowed and as such, the Succession certificate is granted to the petitioner namely, Sri Budang Durga, with regard to the debts and securities of deceased Lt. Monglu Durga as described in the schedule of the petition and upon payment of requisite Court fee.
- 8.** As such, the instant petition is disposed of on aforesaid terms and conditions.

9. Given under my hand and seal of this Court on this the 12th day of April, 2021.

Dictated & corrected by me:

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

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Tinsukia(Assam)