

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-2(FTC),
TINSUKIA

District : Tinsukia

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

Misc (Succession) Case No. 01 of 2022
U/s. 372 of the Indian Succession Act, 1925.

Sri Binod Munda,
S/o. Lt. Kishun Munda,
R/o. Dinjan T.E., P.O Dinjan,
P.S. & Dist. Tinsukia, Assam..... Petitioner

Vs.

- 1) Smt. Shyam Kumari Munda,
W/o. Lt. Kishun Munda,
R/o. Dinjan T.E., P.O Dinjan,
P.S. & Dist. Tinsukia, Assam.
- 2) Sri Kundan Munda
S/o. Lt. Kishun Munda,
R/o. Dinjan T.E., P.O Dinjan,
P.S. & Dist. Tinsukia, Assam.
- 3) Smt. Antara Munda,
D/o. Lt. Kishun Munda,
R/o. Dinjan T.E., P.O Dinjan,
P.S. & Dist. Tinsukia, Assam.

- 4) Smt. Pinki Munda
D/o. Lt. Kishun Munda,
R/o. Balijan T.E., Ganjabi Line,
P.O & P.S, Chabua
Dist. Dibrugarh, Assam.
- 5) Smt. Asha Munda,
D/o. Lt. Kishun Munda,
R/o. Dinjan T.E., Uprail Line,
P.O Dinjan,
P.S & Dist Tinsukia, Assam.

.....Opposite parties.

Appearance:

Sri J.K Verma

Advocate.....For the Petitioner.

Date of Argument : 04.05.2022.

Date of Judgment : **06.05.2022.**

J U D G M E N T

1. The instant application has cropped up on the basis of petition no. 25/22 filed by the Petitioner namely, Sri Binod Munda, son of Late Kishun Munda a resident of Dinjan T.E., P.O Dinjan, P.S. & 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 in respect of the debts and securities, mentioned in the schedule of the petition due to death of his father, deceased Kishun Munda who died on 15/08/2019. The deceased was a permanent

resident of the address mentioned above at the time of his death.

2. The Petitioner further reiterated that the deceased had left his wife, Smti Shyam Kumari Munda, (68 Yrs.), and two sons namely, Sri Kundan Munda , (35 Yrs.), the petitioner himself, Sri Binod Munda, (45 Yrs.), one unmarried daughter, namely, Smt. Antara Munda, (23 Yrs.), and two married daughters namely, Smt. Pinki Munda, (28 Yrs.) and Smt. Asha Munda, (36 Yrs.). Besides, the last resident of the deceased was at the address as mentioned in 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.

3. 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.

4. 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.	Debtor	Amount	Particulars
1.	The Manager, Bank of Baroda, Tinsukia Branch, P.O. Tinsukia, Dist. Tinsukia, Assam.	Rs. 1,11,090.87 Rupees (One Lakh Eleven Thousand Ninety and Eighty Seven Paise) only.	S.B Account No. 09990100004915 of Late Kishun Munda.
Total		Rs. 1,11,090.87	

Rupees (One Lakh Eleven Thousand Ninety and Eighty Seven Paise) only

5. 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, rather the Opp. Parties vide petn. no. 419/22 has submitted No Objection against the succession petition by appearing before the Court. Accordingly, this Court scanned the materials available at hand before this Court. The Petitioner has filed the evidence on affidavit, whose contents seems 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 father, namely. Late Kishun Munda, i.e,

Ext. 1, Death certificate issued by Department of Health Services, Hapjan P.H.C and from Ext. 1, it seems that the Late Kishun Munda had died on 15.08.2015. The Petitioner exhibited the copy of SB Account No. 09990100004915 of Late Kishun Munda as Ext. 2 standing in the name of the deceased. The Petitioner has also exhibited the Legal heir certificate of the deceased as Ext. 3 issued on 11.02.2022 by District Administration. From where it appears that Petitioner and his mother and two brothers, one unmarried sister and two married sisters are legal heirs of the deceased.

7. The Petitioner has reiterated the same fact in his Evidence on affidavit, from where it is emerged that, the deceased had SB Account No. 09990100004915 of Late Kishun Munda dues of Rs. 1,11,090.87, Rupees (One Lakh Eleven Thousand Ninety and Eighty Seven Paise) only. 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.

8. Accordingly, the petition No. 25/22 is hereby allowed and as such, the Succession certificate is granted to the petitioner namely, Sri Binod Munda with regard to the debts and securities of deceased Kishun Munda as described in the schedule of the petition and upon

payment of requisite Court fee.

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

Given under my hand and seal of this Court on this the 06th day of May, 2022.

Dictated & corrected by me:

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

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Tinsukia(Assam)