

ORDER

03.12.2021

This is an application u/s 372 of Indian Succession Act, 1925 filed by petitioner, Smt. Kanchan Thapa, for issuance of Succession Certificate in her favour in respect of deposits left by her deceased husband, Late Pawan Thapa.

From perusal of the petition and the affidavit filed by the petitioner it is revealed that an amount of amount Rs.34,852/- is lying with the LIC in respect of Policy No. 444085397.

After going through the contents of the petition, it appears that, the deceased Late Pawan Thapa expired on 02.11.2020 leaving behind the petitioner and a son, namely Sri Yasnil Thapa (age 4 years).

The petitioner has appeared and filed an affidavit along with the death certificate of Late Pawan Thapa as Ext 1, Original pass book of Savings account No.10440651219 in State Bank of India, Gabharupather Branch, Dibrugarh of Late Pawan Thapa as Ext 2, and PAN card of the Petitioner as Ext.3, Voter Card of petitioner as Ext.4, State bank of India saving account No. 38921230925 as Ext.5, certificate of LIC, Dibrugarh branch certifying that an amount Rs.34,852/- is lying with the LIC in respect of Policy No. 444085397. Copy of death certificate of Brother of Lt. Pawan Thapa, namely Lt. Karan Thapa, original nominee in respect of said LIC policy as document No.A.

Notices were issued as per Rule and duly served. None has appeared and filed any objection. The Mother of deceased Pawan Thapa has appeared and vide affidavit stating that she has no objection if the proceeds of the LIC policy is credited in favour of her daughter in law / the petitioner.

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It has been stated in the petition that the deceased had made no Will and no application has been made in any Court for grant of succession certificate in favour of the petitioner in respect of the deposit left by the deceased or for probate. It has also been stated that there is no impediment u/s 370 of Indian Succession Act, 1925 to grant succession certificate in the name of the petitioner.

It is pertinent to place on record that the nominee of the LIC policy was Karan Thapa, brother of the deceased. Karan Thapa however expired on 03.08.2017 as is evident from the death certificate (document A) wherein the registration no. of death of the said Karan Thapa is mentioned as no. D-2017:18-90041-001049 dtd. 18.08.2017.

Accordingly the petition is allowed. Issue succession certificate in favour of the petitioner Smt Kanchan Thapa in respect of an amount of Rs.34,852/- lying with the LIC, Dibrugarh Branch in respect of Policy No. 444085397 on payment of requisite court fee and on furnishing indemnity bond.

The instant case is accordingly disposed of.

Consign the record of the case to the record room.

District Judge
Dibrugarh