

Misc. (S/C) Case No. 43/2021

ORDER

21-02-2022

This is an application u/s 372 of Indian Succession Act, 1925 filed by petitioner Sri Amit Munda for issuance of Succession Certificate in his favour in respect of deposits left by his deceased father Late Debaru Munda @ Debaru Sabina. Smt. Sabina Munda and Sri Chanda Munda are the opposite parties in the instant case.

From a perusal of the petition and the affidavit filed by the petitioner, it is revealed that an amount of Rs. 99,833.55/- (Rupees Ninety-Nine Thousand Eight Hundred Thirty-Three and Paise Fifty-Five Only) as on 02-09-2021, being the Provident Fund amount, is lying with the Assam Tea Employees Provident Fund Organization, Guwahati in respect of Late Debaru Munda @ Debaru Sabina (PF No. 2880).

After going through the contents of the petition, it appears that, the deceased Late Debaru Munda @ Debaru Sabina expired on 02-09-2018 leaving behind the petitioner and the opposite parties. The petitioner has appeared and filed his evidence on affidavit along with the death certificate of his deceased father Late Debaru Munda @ Debaru Sabina as Ext, 1, Next of Kin Certification issued by the Office of the Deputy Commission, Dibrugarh wherein the names of the petitioner and the opposite parties are shown as legal heirs as Ext 2, Death Certificate of Late Sabina Munda (opposite party in the instant case) as Ext. 3 and the Certificate issued by Halmari Tea Estate certifying the amount accumulated in the PF account of the deceased as Ext. 4. Sri Chandan Munda, 2nd son of the deceased, also appeared and filed his evidence on affidavit stating that he has no objection if the Succession Certificate is granted in the name of the petitioner, in respect of the amount in the PF of their father Late Debaru Munda @ Debaru Sabina. It is pertinent to mention herein that Sabina Munda, wife of Late Debaru Munda @ Debaru Sabina, in the meantime expired on 07-09-2021.

Notices were issued as per Rule and duly served. None has appeared and filed any objection. 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 petitioners 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 petitioners.

Accordingly the petition is allowed.

Issue succession certificate in favour of the petitioner Sri Amit Munda in respect of the amount of Rs. 99,833.55/- (Rupees Ninety-Nine Thousand Eight Hundred Thirty-Three and Paise Fifty-Five Only), being the Provident Fund amount lying with in connection with his employment in Assam Tea Employees Provident Fund Organization, Guwahati in respect of Late Debaru Munda @ Debaru Sabina (PF No. 2880), 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
Dibrugarh