

**Misc. (S/C) Case No. 28/2020**

**ORDER**

**04-04-2022**

This is an application u/s 372 of Indian Succession Act, 1925 filed by petitioner Sri Ajit Kr. Das for issuance of Succession Certificate in his favour in respect of deposits left by deceased Late Nanda Kumar Dey.

It has been stated in the petition that Late Nanda Kumar Dey had along with his parents migrated to Dibrugarh during partition of India and started living in a Railway land at Naliapool with family of the petitioner. The petitioner has further stated that both he and the said Nanda Kumar Dey grew up together and he was treated as a younger brother by the said Nanda Kumar Dey.

The petitioner has stated that as early as 1980's, the parents along with other family members of the deceased, which included one daughter and one son, left Nanda Kumar Dey (since deceased) and Dibrugarh and thereafter they did not maintain any relationship with the said Nanda Kumar Dey. Thereafter, Nanda Kumar Dey continued to live his life alone and always considered the petitioner and his family members as his own. The said fact, stated the petitioner, would be apparent as the said Nanda Kumar Dey was a witness when the petitioner's mother purchased a plot of land by said Sale Deed No. 1422/1971 (Document No. 11) at Dibrugarh and the fact that the petitioner's son Sri Subhankar Das was nominated in the Life Insurance Policy of Nanda Kumar Dey (Document No. 10). The petitioner has stated that Nanda Kumar Dey maintained his Pension Account in SBI, Gabharupather Branch showing the same address as that of the petitioner. In fact, the Next of Kin Certificate has also been granted by the Office of the Deputy Commissioner, Dibrugarh in favour of the petitioner.

From a perusal of the petition and the affidavit filed by the petitioner, it is revealed that amount of Rs. 5,55,099.46/- (Rupees Five Lacs Fifty-Five Thousand Ninety-Nine and Paise Forty-Six) is lying in his Savings Bank Account No. 10440629294 at State Bank of India, Gabharupather Branch, Dibrugarh.

Notices were issued as per Rule and duly served. As the deceased did not have

any known person related to him in blood, who was residing with him, notice vidd paper publication was caused in Newspaper Amar Asom dtd. 26-03-2022. 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 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.

After going through the contents of the petition, it appears that, the deceased Late Nanda Kumar Dey expired on 06-12-2016. The petitioner has appeared and filed his evidence on affidavit along with Death Certificate of Late Nanda Kumar Dey issued by Registrar (Birth & Death), Assam Medical College & Hospital at Dibrugarh (Ext 1), Bank Pass Book of the deceased (Ext. 2), Next of Kin Certificate wherein the name of the petitioner is shown (Ext. 3), voter list of the petitioner and deceased showing same address (Ext. 4), PAN Card of the deceased Late Nanda Kumar Dey (Ext. 5), PAN Card (Ext. 6) and bank pass book of the petitioner (Ext. 7).

From the documents exhibited by the petitioner, it is apparent that Late Nanda Kumar Dey was leading his life alone and the next of kin of the deceased was the petitioner and his family members. As already stated, inspite of paper publication, none has come forward to file objection to the present petition.

Accordingly the petition is allowed. Issue succession certificate in favour of the petitioner, Sri Ajit Kr. Das for the amount of Rs. 5,55,099.46/- (Rupees Five Lacs Fifty-Five Thousand Ninety-Nine and Paise Forty-Six) 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