

In the court of Principal District Judge, Sitamarhi.

Present: Akhilesh Kumar Jha, P D J Sitamarhi

Succession Certificate Case no.07/2025

Date 10th July 2026

1. Poonam Devi W/o Late Krishna Kumar Singh,

Resident of Village-Barahi, Ward No.-06, P.O.- Pachtakiyadu, P.S.- Bairganiya, District – Sitamarhi.

..... Petitioner

VS

1. Ripuranjan S/o Late Krishna Kumar Singh

2. Ritu Kumari S/o Late Krishna Kumar Singh

Both Resident of Village-Barahi, Ward No.-06, P.O.- Pachtakiyadu, P.S.- Bairganiya, District – Sitamarhi.

..... Opposite Parties

ORDER

1. The present petition for the grant of Succession Certificate under Section 372 of the Indian Succession Act, 1925 has been filed in respect of the debts and securities of deceased, namely, Krishna Kumar Singh.

2. As per the averments made in the petition, the deceased, Krishna Kumar Singh, S/o Late Paltan Singh, husband of the petitioner and father of O.P. Nos. 1 and 2, was the owner-cum-driver of truck bearing Registration No. BR06G-4846 (Model 2009). The said vehicle was insured as a commercial vehicle with IFFCO TOKIO General Insurance Company Ltd. under a policy valid from 30.09.2024 to 29.09.2025. On 05.03.2025, while the deceased was driving the aforesaid truck carrying egg cartons to Araria via NH-77 (Muzaffarpur–Darbhanga Road), near Benibad Police Station, the driver of another truck bearing Registration No. BR01GE-9769 suddenly applied brakes. As a result, the truck driven by the deceased collided with the said vehicle, causing his death at the spot. His post-mortem examination was conducted on 06.03.2025 at Sri Krishna Medical College, Muzaffarpur. In connection with the accident, Benibad P.S. Case No. 33 of 2025 was registered under Sections 281 and 106(1) of the Bharatiya Nyaya Sanhita.

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3. O.P no 1 & 2 appeared and gave no objection. General notice was duly issued and service report of same is available on record. Despite service of general notice, no member of the general public appeared to raise any objection to the grant of the Succession Certificate in favour of the petitioner.

4. In support of her case, the petitioner examined two witnesses:

(a) A.W.1 – Poonam Devi (Petitioner): She tendered her evidence by way of affidavit, supported the averments made in the petition, and stated that on 05.03.2025, while her husband was driving truck bearing Registration No. BR06G-4846, insured with IFFCO TOKIO General Insurance Company Ltd. for a sum insured of ₹15 lakh, near Benibad Police Station, the driver of another truck bearing Registration No. BR01GE-9769 suddenly applied the brakes. As a result, the truck driven by her husband collided with the said vehicle, causing his death at the spot. The petitioner has proved the following documents:

(i) Original Death Certificate of Late Krishna Kumar Singh – **Ext. 1**

(ii) Original Insurance Policy issued by IFFCO TOKIO General Insurance Company Ltd. – **Ext. 2**

(iii) Certified Copy of the Post-Mortem Report of Late Krishna Kumar Singh – **Ext. 3**

(iv) Certified Copy of the FIR of Benibad P.S. Case No. 33 of 2025 – **Ext. 4**

(v) Family member certificate dated 14-06-2025 issued by Circle Officer, Bairgania – **Ext. A**

(vi) Charge sheet no. 80/2025 of Benibad P.S. 33/2025 – **Ext. B**

(b) A.W.2 – Ankit Kumar: He is the nephew of the petitioner and cousin of O.P. Nos. 1 and 2. He also tendered his evidence by way of affidavit and fully supported the case of the petitioner.

5. **O.P.W. No. 1, Ripuranjan** (O.P. No. 1), and **O.P.W. No. 2, Ritu Kumari** (O.P. No. 2), being the son and daughter respectively of the petitioner and the deceased, also tendered their evidence by way of affidavits. They supported the petition and categorically stated that they have no objection to the issuance of the Succession Certificate in favour of their mother, namely, Poonam Devi.

6. As per Ext.-4(FIR), the deceased died on 05.03.2025. The post-mortem report (Ext.-3) of the deceased, conducted on 06.03.2025 at 11:15 A.M., also records the time

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since death (TSD) as within 6 to 28 hours from the time of examination. However, in Ext.-1, the date of death of the deceased has been mentioned as 06.03.2025, which, prima facie, appears to be a typographical error. Nevertheless, the death of the deceased remains uncontroverted, and it is established from the documents and evidence produced by the petitioner that the deceased died in a truck accident.

6. Heard learned counsel for the petitioner and perused the records.

7. From material available on record and evidence adduced by the parties, it is established that deceased was permanent resident of Barahi, Pachtaki Yadu, Bargania, Sitamarhi as reflected in his death certificate Ext-1. and Vehicle Insurance paper-Ext-2, which falls within jurisdiction of this court. The deceased died on 05.03.2025 leaving behind only three surviving class -1 legal heirs, i.e., petitioner, O.P no1 &2 which is also evident from Ext. "A" i.e. letter no. 42 date 14-06-2025 issued by C.O. office Bairgania, Sitamarhi. O.P. No 1 & 2 have filed their no objection in favour of petitioner in respect of debts and securities of deceased. The deceased died intestate in so far as debts and securities mentioned in petition are concerned. The debts/securities is as follows:

Ext. 2: General Insurance Policy bearing Policy No. 724009 issued by IFFCO TOKIO General Insurance Company Ltd., Branch – IFFCO Sadan, C-1, District Centre, Saket, New Delhi, standing in the name of Late Krishna Kumar Singh, owner-cum-driver of truck bearing Registration No. BR06G-4846, PA Owner Driver CSI ₹15,00,000/- (Rupees Fifteen Lakhs only).

8. The claim of the petitioner has remained unrebutted. There is no legal impediment under Section 370 of the Indian Succession Act, 1925 to the grant of a Succession Certificate in respect of the aforesaid debt and security. This Court is satisfied that the petitioner, Poonam Devi, being a Class-I legal heir of the deceased, has made out a valid and maintainable case for grant of a Succession Certificate in respect of the debt and security detailed in Schedule-I of the petition.

9. In light of the foregoing discussions, the present petition for the grant of Succession Certificate stands allowed. Let a Succession Certificate be issued in favour of Petitioner Poonam Devi, in respect of Policy No. 724009 issued by IFFCO TOKIO General Insurance Company Ltd., Branch – IFFCO Sadan, C-I, District Centre Saket, New Delhi having

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value, (PA Owner Driver CSI) ₹15,00,000/- standing in the name of Late Krishna Kumar Singh, owner cum driver of truck bearing registration no. BR06G-4846.

Accordingly, Petition is disposed of. File be consigned to record room.

(Dictated)

Sd/-

Principle District Judge,

Sitamarhi

10-07-2026