

In the Court of Civil Judge (Jr. Divn.) Gangarampur at Buniadpur

Present: Debashish Barman

Civil Judge (Jr. Divn.)

J.O. Code: WB01104

Misc Succ 07 of 2023, Regd. No.- 07 of 2023

CNR No. WBDD07-000277-2023

Order No.- 10

12-07-2024

Today is fixed for exparte order

Plaintiff files hazira. Ld. Adv. of the plaintiff is present.

The record is taken up for passing order.

The Court perused the application, evidence and document available on record.

The petitioners Noorjahan Bibi has deposed as P.W-1 in Court on 28-06-2024 for herself and petitioners Nos. 2 to 3.

The case of the petitioners in brief is that she has filed the case under Section-372 of Indian Succession Act 1925, for issuance of Succession Certificate in respect of the amount of Rs. 27, 38, 428.99/- with interest, if any, lying in the name of MAA Enterprises (Proprietor – Mojammel Hoque) A/C No. 30646123378, since deceased. He was the predecessor of the petitioners. On careful perusal of the application, it appears that Mojammel Hoque, is husband of the petitioner No.1 and father of petitioner Nos. 2 to 3 who died intestate on 04-02-2022. To substantiate the same the petitioners has filed the death certificate of Mojammel Hoque issued from the Department of Health and Family Welfare, Grama Panchayat Elahabad, marked as Exhibit-6 and a letter dated 31-08-2023 issued by SBI, Buniadpur Branch praying for issuance of Succession Certificate for settlement of Account of the deceased Mojammel Hoque, marked as Exhibit-7. In this case notice was issued to the public at large by way of paper publication, published in 'Aajkal Paper'; date of subscription- 21-06-2024, marked as Exhibit-9 and notice was also issued in the name of the deceased in the address given in the application. No objection has been raised from any corner regarding the factum of death or legal heirship of the petitioners.

The petitioners stated in the applications that Mojammel Hoque died intestate and no Will or deed of gift was executed by him regarding the properties, arraigned in the schedule of the petition. It has been stated in the petition that no Succession Certificate was ever issued from any Court of competent jurisdiction and no case or

proceeding is languishing in any Court regarding the properties under question. The petitioners have produced legal heir certificate of deceased Mojammel Hoque, marked as Exhibit-8 to substantiate their case. Considering the above facts and circumstance, this Court finds that Succession Certificate may be granted in the name of the petitioners who has full share over total amount of Rs. 27, 38, 428.99/- with interest, if any, lying in the name of MAA Enterprises (Proprietor – Mojammel Hoque) A/C No. 30646123378.

Hence it is,

ORDERED

that instant application dated-04-09-2023, for issuance of Succession Certificate under Section-372 of the Indian Succession Act, 1925 is allowed and decided in favour of the petitioners.

Let the Succession Certificate be issued in favour of petitioners in respect of ¼ each share in respect of total amount of Rs. 27, 38, 428.99/- with interest, if any, lying in the name of MAA Enterprises (Proprietor – Mojammel Hoque) A/C No. 30646123378 as it stands on the date of disbursement of fund.

Court fees or Stamp duty paid by petitioners is found sufficient .

The Instant Misc (Suss) Case No. 07 of 2023 [R-07/2023] be and the same is allowed Exparte.

Schedule of property:-

(1). Sum of Rs. Rs. 27, 38, 428.99/- with interest, if any, lying in the name of MAA Enterprises (Proprietor – Mojammel Hoque) A/C No. 30646123378

D/C by me

Civil Judge (Jr. Div.)
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