

Succession- 37 of 2023

Order no. 08 dated 08.01.2025

Today is fixed for order.

The petitioner files hazira.

The record is taken up for order as regards the succession application filed by the petitioner namely Saswata Banerjee U/s- 372 of Indian Succession Act. After filing of this case before the Court necessary general notice was issued to the last residence of the deceased and it appears from the report of the Nazir that the notice was affixed on the outer door of the last resident of the deceased on 24.11.2023 but inspite of that no one come to contest the case and, therefore, notice was published in daily newspaper Sangbad Pratidin on 11.02.2024. Even then no one appeared before this Court and, therefore, this Court decided to proceed with the hearing of the case ex parte.

At the time of hearing of the application the petitioner namely Saswata Banerjee deposed as P.W.1 and filed deposition-in-chief on affidavit before the Court. It is reflected from his deposition that he filed death certificate of his parents namely Sital Narayan Banerjee @ Sital Banerjee and Janhabi Banerjee @ Jannabi Banerjee which is marked Exhibit- 1 (collectively). The copy of notice published in daily newspaper Sangbad Patridine on 11.02.2024 and the said notice is marked Exhibit- 2. These are the four numbers of saving account passbook in the name of his parents in Burdwan Central Co-operative Ltd along with fixed deposit and time deposit certificate (13 nos) and two recurring deposit passbook in the name of his parents are marked as Exhibit-3 (collectively). He further deposed that they are three brothers and there is no other legal heirs of the deceased Sital Narayan Banerjee @ Sital Banerjee and Janhabi Banerjee @ Jannabi Banerjee except them. P.W.2 and PW-3 namely Swagatam Banerjee and Samapta Kumar Banerjee are also filed deposition-in-chief on affidavit before the Court and deposed that P.W.1 is their brother and their parents are no more and they have no objection if succession certificate is issued in favour of their elder brother (PW-1).

Having regard to the case record and the evidence and the documents filed by the petitioner it is now clear that the deceased Sital Narayan

Banerjee @ Sital Banerjee and Janhabi Banerjee @ Jannabi Banerjee died leaving behind P.W.1 to PW.3 as class-I legal heir. PW-2 and PW-3 gave their no objection in this case. In this situation the petitioner is entitled to get the necessary succession certificate as applied for.

Hence, it is

ORDERED

That the petition U/s- 372 of Indian Succession Act for issuing succession certificate is allowed.

The petitioner namely Saswata Banerjee is entitled to get succession certificate in respect of debts and securities of Sital Narayan Banerjee @ Sital Banerjee and Janhabi Banerjee @ Jannabi Banerjee.

Petitioner is directed to file indemnity bond with one surety within 15 (fifteen) days from the date of passing of this order for rendering of account of debts and securities received by her and to indemnify person or persons who may be entitled to the whole or any part of the debts and securities. The petitioner is also entitled to receive interest or dividends, if any, accrued in the meantime on the schedule mentioned debts and securities in terms of Section 374 of the Act.

Succession Certificate be issued after observing all formalities.

D.A. to issue the above Succession Certificate only after the petitioner files indemnity bond and stamp duty as required by law.

It is further clarified that the question of title, share and ownership of the property mentioned above is not decided by this court.

File be consigned to Record Room after compliance of all formalities.

Note in the T.R. and C.I.S.

Office is directed to do the needful.

Dictated & Corrected by me

Sd/- M. Karmakar

Sd/- M. Karmakar

Civil Judge (Sr. Divn),

Civil Judge (Sr. Divn),

Burdwan.

Burdwan.