

ACT XXXIX(Succ.) Case No. 127 of 2023

(CNR : WBCC01-012550-2023)

Present : Sri Abhijit Som, Chief Judge (WB 01127)

Order No. 19 dated 17.06.2026 :

Today is fixed for evidence.

Ld. Advocate on behalf of the petitioners is present by filing hazira.

Two examinations-in-chief supported by affidavits are filed on behalf of petitioners Sanjay Kumar and Mukesh Kumar. Both the petitioners namely Sanjay Kumar and Mukesh Kumar tender in evidence the examination-in-chief as PW-1 and PW-2 respectively and proved in evidences and the documents marked as Exhibit 1 to 5.

Mamta Devi and Chandra Devi also file examinations-in-chief supported by affidavit. Mamta Devi and Chandra Devi tender in evidence the examination-in-chief as PW-3 and PW-4 respectively and the document marked as Exhibit 6 and 7.

PW-1, PW-2, PW-3 and PW-4 are examined in full and discharged.

Now, the case record is taken up for passing order.

The instant case arises out of an application under Section 370 of Succession Act seeking grant of Succession Certificate in favour of the petitioners namely Sanjay Kumar and Mukesh Kumar who claim to be the legal heirs of deceased person namely Hardeo Ram.

The case of the petitioners is as follows -

The deceased namely Hardeo Ram, Hindu male, resided at 23B, Netaji Subhas Road, Kolkata- 700001, which is situated within the jurisdiction of this Court and permanent residence of the deceased was at Kuian, Jaintpur, Kuian, Saraiya, Muzaffarpur, Bihar- 843123 which was outside the jurisdiction of this Court. Said Hardeo Ram died on 02.05.2021 at Kuian, Jaintpur, Kuian, Saraiya, Muzaffarpur, Bihar- 843123, leaving behind his two sons namely Sanjay Kumar(petitioner no.1) Mukesh Kumar (petitioner no.2), two daughters namely Mamta Devi and Chandra Devi as his legal heirs and representatives and leaving behind debts and securities as mentioned in the schedule to the application. It is stated that wife of the deceased namely Kanti Devi predeceased her on 11.01.2008. The

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parents of the deceased namely Banai Ram and Monohar Devi predeceased him on 17.08.2002 and 22.09.2009 respectively. So, It is stated that there are no other legal heirs and representatives of the deceased except the petitioners, Mamta Devi and Chandra Devi.

It is stated in the application that no previous application has been filed in any Court of Law either for grant of Probate or Letters of Administration or Succession Certificate with regard to the debts and securities of the deceased involved therein.

It appears that despite service of general notice and publication of the notice in a daily English newspaper, no one has come forward to the Court to contest the case.

In support of the case, the petitioners namely Sanjay Kumar, Mukesh Kumar adduced evidences as PW-1 and PW-2 respectively. Other witnesses namely Mamta Devi and Chandra Devi also adduced evidences as PW-3 and PW-4 respectively. The documents tendered in evidence on behalf of the witnesses are marked as Exhibit 1 to 7 as per the exhibit list.

On perusal of the evidences including the death certificates (Exbt. 2 series), it is found that Hardeo Ram and Kanti Devi died on 02.05.2021 and 11.01.2008 respectively. PW-1 also stated in his evidence that the deceased left no other legal heirs and representatives except Mukesh Kumar and himself.

PW-2 Mukesh Kumar reiterated the contention made in the original application as well as affidavit in chief of PW-1.

PW-3 Mamta Devi and PW-4 Chandra Devi deposed that they have no objection if succession certificate is granted in favour of the petitioners.

Having considered the oral and documentary evidences, it may be stated that the petitioners have successfully proved the case and accordingly, there is no legal impediment in granting the Succession Certificate in favour of the petitioners.

In the result, the case succeeds.

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Hence, it is,

Ordered

that the Succession Certificate be issued in favour of the petitioners namely Sanjay Kumar and Mukesh Kumar for collection of the debts and securities left by Hardeo Ram, since deceased, as described in the schedule to the application.

The original exhibited documents may be returned to the petitioners on submission of certified copies thereof in accordance with law.

The succession case is disposed of.

Dictated & corrected by me

Chief Judge

Chief Judge
City Civil Court, Calcutta.