

Misc.(L/A) No.1/19.
Sri Dimbeswar Sarmah--petitioner
- VS-
Rina Devi & another-O.Ps..

Date
18/06/19

Order

Learned counsel for the petitioner is present. The case is fixed for passing order on the petition filed by the petitioner Dimbeswar Sarma U/S 278 of the Indian Succession Act,1925 praying for issuance of letter of Administration in his favour.

The facts leading to the instant case in brief are that the petitioner is the father of Late Kausik Sarma, who died on 25/11/2018. The deceased was resident of village Nayakpara, P.S.- Sipajhar, District-Darrang(Assam). The deceased left behind him, his father(petitioner) Dimbeswar Sarma, mother Rina Devi and sister Pubali Sarma. It is also submitted that at the time of death the deceased left behind one Royal Enfield motor cycle bearing registration No.AS-06-U-9212 as mentioned in the schedule of "A" of the petition. The petitioner has submitted that there is no legal impediment U/S 278 or any other provision of Indian Succession Act,1925 in granting Letter of Administration and the petitioner is the fit person for granting the Letter of Administration.

Accordingly, the opposite parties Sri Rina Devi and Pubali Sarmah have been noticed and they filed their no objection before this Court.

The petitioner has filed written evidence reiterating his statement made in the petition. He proved death certificate of his son Koushik Sarmah, copy of R.C. of motor cycle bearing registration No.AS-06-U-9212, D/L of Koushik Sarma and Police report with reference to Garamur PS GDE No.407 dated 24/11/2018.

I have perused the petition, evidence thereon, both written and documentary. Heard also learned counsel for the petitioner. Upon perusal of the existing materials on record, it appears that the deceased

Koushik Sarma died on 25/11/2018 leaving behind the petitioner and the O.P. Rina Devi and Pubali Sarma as legal heirs and he left the estate as debt and security as mentioned in the schedule of the petition and for the said property he left no Will or Letter of Administration. Therefore, there is no impediment for issuance of Letter of Administration in favour of the petitioner.

So, considering all these, the petition so filed by the petitioner is allowed. Accordingly, issue Letter of Administration in favour of the petitioner to administer the property/estate as mentioned in the schedule of the petition on payment of requisite court fee on execution of indemnity bond. The petitioner is to take step.

Thus, Misc.(L/A) case is disposed of accordingly.

Dictated.

Di strict Judge,
Darrang,Mangaldai.