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2026:GAU-AS:14049

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Intest.Cas./2/2026

PATIRAM RAJBONGSHI
S/O. LT. LALIT RAJBONGSHI, R/O. VILL-KAHITALI, P/O. ANDHERIGHAT,
P/S. SIPAJHAR, ASSAM, PIN-784148

VERSUS

SRI LOKNATH RAJBONGSHI
S/O. LT. LALIT RAJBONGSHI, R/O. VILL-KAHITALI, P/O. ANDHERIGHAT,
P/S. SIPAJHAR, ASSAM, PIN-784148

Advocate for the Petitioner : MR. D SARMA,

Advocate for the Respondent : MS A DAS, MS P DAS,MS. P BORAH

BEFORE
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 23.09.2026

1. Heard learned counsel for the Appellant, Mr. D. Sarma. Also heard Ms. P. Borah, learned counsel appearing on behalf of the sole Respondent.

2. The instant appeal under Section 384(1) of the Indian Succession Act, 1925 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908, has been

preferred against the impugned judgment and order dated 12.02.2026 passed by the District & Sessions Judge, Darrang, Mangaldai in Misc(SC) Case No. 6/25.

3. The case of the Appellant herein is that the Appellant as the Petitioner had filed an application under Section 372 of the Indian Succession Act, 1925 on 20.02.2026 for granting a succession certificate in favour of the Petitioner/Appellant. In the said application filed before the District & Sessions Judge, Darrang, Mangaldai the Respondent herein was also impleaded as the opposite party.

4. It is stated that the Appellant and the Respondent are the brothers of Late Mukunda Rajbongshi who died intestate on 11.04.2024 leaving behind the Appellant and the Respondent as his legal heirs.

5. The deceased was an unmarried person and during his lifetime he was an employee of SBI Kalaktang Branch, Arunachal Pradesh and accordingly, at the time of his death, he left behind an amount of Rs. 10,84,328/- as PF and an amount of Rs. 2,64,366.52/- as gratuity totalling to an amount of Rs. 13,48,694.52/- as debts and gratuities and accordingly, the Appellant prayed before the learned court below for issuance of succession certificate in his favour. The Appellant as Petitioner also submitted all the relevant documents including the Death Certificate of the deceased, copy of Certificate issued by Regional Manager, Tezpur, and copy of Next of Kin Certificate.

6. After filing the application it was registered as Misc(SC) Case No. 6/25 and notices were issued to the opposite party/Respondent and also issued general notices upon the notice board of the court of the District & Sessions Judge,

Darrang, Mangaldai, concerned Gaon Pradhan, concerned Lat Mandal, concerned Mauzadaar, concerned Circle Officer, and the last residence of the deceased. Thereafter, the opposite party/Respondent on 28.07.2025 filed a No Objection petition regarding the issuance of succession certificate in favour of his brother, i.e., the Appellant/Petitioner. The Appellant as Petitioner filed his Evidence on affidavit and by the impugned order dated 12.02.2026, the learned court below granted the Succession Certificate in favour of all the persons mentioned in the Next of Kin Certificate without considering the No Objection affidavit filed by the Respondent/opposite party.

7. It is the submission of the learned counsel for the Appellant that being aggrieved by the order dated 12.02.2026, the present appeal has been preferred on the ground that the learned court below did not take into consideration the fact that the sole Respondent had already filed his No Objection petition and also did not consider the submissions and arguments made on behalf of the Respondent to the effect that the Respondent is a cancer patient, who is now bed-ridden, and accordingly, he had submitted his No Objection to the issuing of the Succession Certificate in favour of his brother/Appellant.

8. Learned counsel for the Appellant further submits that the Respondent being bed-ridden cannot travel to Tezpur and Kalaktang, which are far away from the residence of the Appellant and the Respondent in order to take the necessary steps in releasing the debts and securities. However, the said fact was not considered by the learned court below.

9. The learned counsel, Ms. P. Borah, appearing for the sole Respondent has

also submitted that by filing a petition of No Objection in the present case, the sole Respondent has further reiterated that he had no objections in respect of the Succession Certificate being granted in favour of his brother/Petitioner/Appellant with regard to the debts and securities left behind by their deceased brother. In the petition of No Objection filed by the Respondent it has been stated that he has filed his affidavit voluntarily and of his own freewill without any coercion or undue influence and that he has no objection if this Court sets aside the order dated 12.02.2026 passed by the learned District & Sessions Judge, Darrang, Mangaldai in Misc(SC) Case No. 6/25 and issues a direction to issue the Succession Certificate exclusively in favour of the Appellant.

10. Having considered the submissions of the learned counsel for the parties and having regard to the fact that the Respondent has no objections if the Succession Certificate is granted in favour of the Petitioner/Appellant, the instant appeal stands allowed. The impugned order dated 12.02.2026 passed in Misc(SC) Case No. 6/25 is modified to the extent that instead of 'Legal Heirs of Mukunda Rajbongshi', 'the Petitioner/Appellant, Shri Patiram Rajbongshi' shall be entitled to the Succession Certificate.

11. With the above modification, the instant appeal stands disposed.

12. The Registry is directed to send back the Trial Court Records.

JUDGE

Comparing Assistant