

Succession Certificate in India

What is Succession Certificate?

Succession Certificate is granted in favor of the legal heirs of the person dying intestate (without leaving a Will Deed). It is granted by the Court so that the heirs can claim the securities, bank account and other movable property along with the debts left behind by the deceased. This certificate authorizes the heirs to get assets or securities transferred in their names. Along with the assets, the successor has to take responsibility and liability for clearing any debts or security attached to the property.

Indian Succession Act, 1925 governs the procedure and lay down the mandatory requirements for Succession Certificate.

How to Obtain?

In order to obtain a Succession Certificate, Application is required to be filed in the Court of competent jurisdiction which can be the place where the deceased person ordinarily resided or where the immovable property is situated.

Mandatory Details To Be Mentioned In Application For Certificate

The particulars to be specified in an application for a certificate are specified under Indian Succession Act, and every application requires to be signed and verified in accordance with the provisions of the Code of Civil Procedure applicable to plaints. As the application now partakes of the nature of a verified plaint, great care should be taken to insist on its being properly and concisely drawn up. Following information must be mentioned in the application:-

- The name and relationship of the person requiring this certificate.
- Names of all heirs and close relatives of the deceased,
- Details about the time, date and place of death should be mentioned in the application.
- Copy of the death certificate need to be filed along the application.
- Details of the immovable properties for which Certificate is sought.

Application can be filed through Power of Attorney also and the personal presence of individual before court is not required for the purpose of obtaining Succession Certificate.

Newspaper Publication informing the Public at large

Once the application for succession certificate is filed the Court will issue notice to all the legal heirs and close relatives, so that anyone having any objection in grant of Succession Certificate in favour of Applicant can raise objection.

Similarly, Publication of the notice in newspaper to inform public at large about the application for issuance of succession certificate can raise objection. After newspaper publication court waits for 45 to 60 days before granting the Certificate. If no one contests the application on the expiry of this period, the court passes an order for issuance of succession certificate and if any objection is raised, the Court will first decide the objections and then proceed further.

Extension of Succession Certificate

The Court can extend the Succession certificate to any other immovable property of which the applicant was not having knowledge at the time of filing of the application.

Court Fees

The court levies a fixed percentage of the value of the securities/movable properties as court fee for purpose of issuance of the certificate, and the same is required to be paid at the time of grant of Succession Certificate by Court.

Security from the person to whom Succession Certificate is granted

That the person to whom the Court proposes to grant the Certificate shall give to the Judge a bond with one or more surety or sureties, or other sufficient security, for rendering an account of debts and securities received by him and for indemnity of persons who may be entitled to the whole or any part of those debts and securities.

Effect of certificate

The certificate of the District Judge shall, with respect to the debts and securities specified therein, be conclusive as against the persons owing such debts or liable on such securities, and shall, afford full indemnity to all such persons as regards all payments made, or dealings had, in good faith in respect of such debts or securities to or with the person to whom the certificate was granted. Effect of certificate granted or extended by Indian representative in foreign State and in certain other cases.