

## **What is a succession certificate?**

A succession certificate is given to the successor of a deceased person who has not prepared a will in order to establish the authenticity of the successor and also to give the certificate holder an authority over the deceased person's debts and securities. The payment of debts of the deceased person and also the transfer of the securities of the deceased person can be made by the certificate holder even before the legal heir to the property of the deceased is established.

## **Who issues a succession certificate?**

A succession certificate is issued by the district judge of the relevant jurisdiction. The relevant jurisdiction would be where the deceased person ordinarily resided at the time of his death or if no such place is available, the jurisdiction within which any property belonging to the deceased may be found.

## **What are the particulars to be included in the petition for succession certificate?**

The petition for the succession certificate made to the district judge must be signed and verified by the applicant and include the following details:

- The time of the death of the deceased
- The ordinary residence of the deceased at such time of death; and if such ordinary residence is not available, the details of the property that is within the jurisdiction of the district judge to whom such an application is made.

- The family or other near relatives of the person deceased and their respective residences
- The rights of the petitioner
- The absence of any reason to invalidate the grant of the certificate
- The debts and securities in respect of which the application for such a certificate is made

## What is the procedure to obtain a succession certificate?

The legal procedure to obtain the succession certificate is highlighted as below:

**Step 1:** The applicant will prepare a petition, verify and sign the same and submit it to the district judge in the appropriate jurisdiction after paying the appropriate court fees.

**Step 2:** The district judge will inspect the application and if the same is admitted, he shall fix a day for the hearing in respect of the same and also send notice of the hearing to whomsoever he thinks fit.

**Step 3:** After hearing all the parties concerned, the judge will decide if the applicant is within his right to apply for the application and shall grant the certificate to him if satisfied.

**Step 4:** The district judge may also require the applicant to provide a bond with one or more sureties or any other security so as to make good any possible loss arising out of the use or misuse of such certificate.

## What is the validity of the Certificate?

The succession certificate stands valid anywhere within India. However, where a certificate has been granted to a person who is a resident of a

foreign country, by an Indian representative (as appointed by the government), of such foreign country, the certificate will stand valid only if properly stamped.

## What is the effect of the Certificate?

The main purpose of this certificate is to provide protection to all parties paying debts where such payments are made in good faith. The certificate holder is also empowered to receive any interest/dividend on the securities and negotiate or transfer such securities as mentioned in the certificate. Thus all payments made to and by the certificate holder on behalf of the deceased person will be legally valid. However, this does not necessarily mean that the certificate holder is the owner of the securities or the legal heir. The legal heir/heirs are determined by a separate procedure of law.

## What are the differences between Succession Certificate and the Legal Heir Certificate?

The following are the main differences between Succession Certificate and [Legal Heir Certificate](#):

	<b>Succession Certificate</b>	<b>Legal Heir Certificate</b>
<b>Applicability</b>	To gain authority to obtain the debts and securities of the deceased where a will has not been drawn up	To stake a claim as a rightful heir to the estate of the deceased
<b>Contents</b>	Relationship of the applicant to the deceased and the list of debts and securities sought.	Lists all the legal heirs of the deceased

<b>Function</b>	Establishes authority of certificate holder to inherit debts and securities of the deceased and provides protection to parties paying debts	Identifies and establishes living heirs of a deceased person
<b>Effect</b>	The holder may not be the ultimate beneficiary of the estate of the deceased	The holder is entitled to inherit the estate