

## After Death legal dilemma:

Probate, Letter of Administration, Succession Certificate and legal heir certificate

1. The Indian Succession Act, 1925, lays down the rules and provisions related to the property, be it movable or immovable property, of any deceased person.

2. (a) A probate is the process of distributing an estate after a person dies. The probate process is typically used when the deceased person has left a will and there are questions about who should inherit their property. It is a judicial process through which the validity and authenticity of a will is determined in a court of law. In this process, the executor of the will, beneficiaries, and value of the estate are determined.

(b) A probate is not mandatory in case the Will is made outside Kolkata, Chennai or Mumbai, and does not deal with immovable property in Kolkata, Chennai or Mumbai.

(c) Probate - Both moveable and immovable properties can be bequeathed under Will and is probated before the Court.

3. (a) The Letter of Administration is a document obtained from the Courts by the legal heirs of the deceased for the purpose of administration of the estate of the deceased. A Letter of Administration comes into picture where the deceased has not appointed an executor of the Will or when a person dies intestate or the appointed executor refuses to execute the Will or is simply incapable to do so.

(b) Both moveable and immovable properties can be applied for The Letter of Administration.

4. (a) A succession certificate is a sanctioning document that sanctions the right to inherit debt and securities to the legal heirs of the deceased who died intestate (without will). The main object of a Succession Certificate is to facilitate collection of debts on succession and afford protection to parties paying debts to representatives of deceased persons. The grant of a certificate does not establish title of the grantee as the heir of the deceased.

(b) Only debts and moveable securities of the deceased can be granted under Succession Certificate.

5. (a) A legal heir certificate is simply issued to identify the heirs of the deceased person whereas a succession certificate is issued to establish the validity and legality of the legal heirs and give them the authority related to the assets and securities of the deceased person.

(b) A succession certificate is obtained by the District Court Judge whereas the Legal Heir certificate can be obtained by the municipality or the Tehsildars.