

Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 17 of 2023

Date of Decision: 15.09.2023

Ravinder Kumar Duggal
Represented by Shri Tapash
Kumar Gupta

Vs. Union of India & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s)

Mr. S. Marpan, Adv.

For the Respondent(s)

Dr. N. Mozika, DSG with
Ms. S. Rumthao, Adv.

i) Whether approved for reporting in Law journals etc.

Yes/No

ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. This application under Article 227 has been filed assailing the order dated 27.07.2023 passed by the Court of the learned Additional Deputy Commissioner (Judicial), Shillong in Misc. Case

No. 60 (T) of 2021, for extension of the Succession Certificate dated 18.07.2009 granted in Extension S/C Misc. Case No. 42 (T) of 2008, in favour of the petitioner.

2. Mr. S. Marpan, learned counsel for the petitioner submits that the petitioner has been constrained to approach this Court under Article 227, inasmuch as, when the Extension application was presented before the learned Lower Court, by the order dated 26.04.2023, directions were issued to the respondents to release the amounts so mentioned in the Succession Certificate, within a period of 2(two) months from the date of receipt of copy of the said order. However, he submits on filing of a show cause to the application, the Court of the Additional Deputy Commissioner itself, modified the order without any application being made thereto, and directed that the debts and securities granted in Extension S/C Misc. Case No. 42 (T) of 2008 should not be released, pending hearing of the matter on the show cause.

3. Dr. N. Mozika, learned DSG assisted by Ms. S. Rumthao, learned counsel for the respondents has submitted that the show cause that had been filed by the respondents was on the ground that the fulfilment of the Extension Certificate was sought to be done

on behalf of a power of the attorney holder, and further that for satisfaction of the same, it was deemed desirable that the person himself be present in person with documents, such as the Fixed Deposit Receipts.

4. Heard the learned counsels for the parties and considered the materials on record. It appears that initially the Succession Certificate on application by the petitioner had been granted in S/C Misc. Case No. 40 (T) 2006 by the Court of the Additional Deputy Commissioner, and at that point of time the said amount was duly released and withdrawn by the petitioner. As submitted, on the discovery of additional amounts which were present, the Extension application was filed, which has become the subject matter of these proceedings. As the Succession Certificate has been granted as far back in 2006, there is no question of any reappraisal, re-examination or review of the same, and the respondents are expected to act in accordance with law in the release of the debts and securities as allowed by the Court in the Extension Succession Misc. Case. However, the concern and objections as raised by the learned Senior counsel on behalf of the respondents seems to have some substance, inasmuch as, it has been admitted by the counsel of the petitioner that the person to whom the Succession Certificate was granted is presently

residing in Punjab, which had caused him to authorize an attorney to receive the amounts.

5. In this view of the matter, therefore this Court directs that the manner concerning the grant of the amount as mentioned in the Extension Certificate shall be processed by the respondent No. 3, as soon as the petitioner appears in person along with the required Fixed Deposit Certificate, within a period of 1(one) month, from the date of this order.

6. It is understood that the parties are to cooperate, so that the matter can be disposed as expeditiously as possible.

7. With the above noted directions, this matter stands closed and is accordingly disposed of.

8. The Lower Court case records to be returned forthwith.

9. In view of this order, the proceedings in the Lower Court also stand closed.

JUDGE

Meghalaya
15.09.2023
"V. Lyndem-PS"