

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.126 of 2015**

1. Prahlad Prasad Gupta S/O Late Jhunnu Saw Gupta Aged About 56 Years
2. Smt. Chandrakala Gupta W/O Prahlad Gupta Aged About 52 Years

Both are R/o. Opposite Khadi Bhandar, Near Post Office
Sitapur, Tahsil Sitapur, District Surguja (CG)

---- **Petitioners**

Versus

1. Smt. Neha Gupta W/O Late Shrish Gupta Aged About 21 Years R/O Of Qrt. No. 223/B/1, Balco Nagar, Korba, Tehsil Korba, Civil And Revenue District Korba (C.G.)
2. Whom So Ever It May Concerned
3. Bharti Jeevan Bima Nigam, Through Branch Office Ahuja Market Budhar Road Shadol, District Shadol (M.P.)

---- **Respondents**

Shri Sunil Otvani, counsel for the petitioners.
Shri Mukesh Sharma, counsel for respondent No.3.
None for respondent No.1 though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board**

03.12.2015

Heard on admission.

2. It is submitted on behalf of the petitioners that the matter may be disposed of finally in the motion stage itself as the impugned order dated 24.11.2014 is illegal and without any authority by the statute by directing both the parties to first deposit gratuity amount and the amount of insurance policy given to the nominee before the Court and thereafter the Court may grant succession certificate after conclusion of issue of succession.

3. Learned counsel for respondent No.3 has no objection on the submission of learned counsel for petitioners.

4. For the purpose of appreciation regarding admission, impugned order dated 24.11.14 and relevant provisions of succession law are perused. The matter is heard finally at the motion stage itself.

5. After perusal of the entire material in the matter, it appears that in the entire order Court below has not shown any provision of law under which the Court can direct the parties to deposit the money before the court itself before appreciation on the point of succession . On the face of the order, the same is illegal and without any authority of the law. Hence, the same requires interference. Consequently, the instant petition is allowed. Impugned order dated 24.11.14 is set aside. The Court below is directed to proceed in the matter as per the law.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE