

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:05.02.2015.

Mohinder Singh through his LRs

.....Petitioners

v.

Surjit Kaur and another

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Ms.Maninder Kaur,Advocate for the petitioners.

Jaswant Singh,J.(Oral)

Dispute is regarding assets including amounts in the bank accounts left behind by deceased Joginder Singh between his widow Surjit Kaur and his brother Mohinder Singh.

On the death of Joginder Singh in the year 2006, Surjit Kaur filed a petition on 13.11.2006 under Section 372 of the Indian Succession Act,1925 for grant of succession certificate by impleading the general public and aforesaid Mohinder Singh brother of deceased Joginder Singh.

Notice of the petition was ultimately served upon respondents through publication and due to non-appearance they were proceeded against ex parte vide order dated 29.1.2007. On the basis of ex parte evidence and the petition which stood unrebutted and unchallenged the learned Additional Civil Judge (Senior Division) Barnala vide order dated 8.12.2007 granted succession certificate.

Thereafter on 5.6.2008, respondent no.2-Mohinder Singh moved an application for setting aside the ex parte order dated 8.12.2007 wherein a specific issue was framed. During the pendency of the application, Mohinder Singh died and his two daughters were impleaded as his legal representatives. It was asserted by Mohinder Singh that the order dated 8.12.2007 was obtained by Surjit Kaur by playing fraud as he was never served or was aware of the fact of the pendency of the application for grant of succession certificate. The learned trial Court in para 14 has come to a specific finding on the said issue that Mohinder Singh was aware of the proceedings and no fraud had been played upon him in obtaining order dated 8.12.2007 by Surjit Kaur.

After hearing learned counsel for the petitioner/legal representatives of respondent no.2, this Court finds no perversity in the said finding or any juridical error entitling invocation of revisional jurisdiction of this Court under Article 227 of the Constitution.

Dismissed.

05.02.2015
joshi

(Jaswant Singh)
Judge