

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No. 177 of 2013

- =====
1. Mostt. Ram Rati Devi, W/O Late Jagnath Prasad
 2. Seth Ji Prasad
 3. Naresh Prasad
 4. Pramesh Kumar
 5. Sushil Kumar, All are sons of Late Jagnath Prasad
- And all are resident of Mohalla Nirala Nagar, Siwan, P.O. +
P.S. Siwan, District Siwan

.... Petitioners

Versus

1. Most. Sumitra Devi, W/O Late Suresh Kumar
 2. Sunaina Kumari,
 3. Lali Kumari, both minor daughters of Late Suresh Kumar and are under guardianship of his mother Most. Sumitra Devi
- All are resident of Mohalla Nirala Nagar, Siwan, P.O. + P.S.
+ District Siwan at presently residing in village + P.O.
Gopalpur, P.S. Hussainganj, District Siwan
4. The Branch Manager, L.I.C. Branch Siwan, P.O. + P.S. + District Siwan
 5. The Branch Manager, National Insurance Company Ltd., Branch Lal Kothi, Siwan, P.O. + P.S. + District Siwan

.... Opposite Parties

=====

Appearance :

For the Petitioners : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 29-08-2016 Heard Mr. Akhileshwar Kumar Shrivastva, the

learned counsel appearing for the petitioners.

This revision application has been filed against the

appellate order passed in Miscellaneous Appeal No. 13 of 2012

whereby the appellate court below has affirmed the order passed

in succession certificate case.

It transpires from the orders of both the courts below

that the succession certificate with regard to the deceased Suresh

Kumar has been directed to be prepared in favour of his mother,

his widow Sumitra Devi and his minor daughters. It further transpires that the mother along with brothers of the deceased Suresh Kumar filed appeal before the appellate court below against the aforesaid order. The appeal has been dismissed by the impugned order. The present revision application has been filed by the mother and brothers as petitioners.

The learned counsel for the petitioners has submitted that the petitioners may be held liable of the claim made by the bank and, therefore, they are entitled to the grant of succession certificate with regard to the amount of insurance policy as mentioned in the order passed in the succession certificate case. It has, however, not been claimed on behalf of the petitioners as to how the petitioner no. 1 in whose favour also the succession certificate has been granted by the impugned order has joined the other persons as appellants in the appellate court below as well as in this revision application.

On perusal of the impugned order passed by the learned court below, it appears that the learned court below has rightly concluded that the mother, widow and children of the deceased are legal successors of the deceased and entitled to the grant of certificate of succession in respect of the insurance amount. This Court has not been persuaded to invoke the

revisional jurisdiction as there is no illegality or material irregularity committed by the learned courts below while passing the impugned order. The revision application is, accordingly, dismissed. This order, however, shall not prejudice the claim of the petitioners, if any, if they seek to establish the same in accordance with law.

(V. Nath, J.)

Kundan

U			
---	--	--	--