

HIGH COURT OF CHHATTISGARH, BILASPURCivil Revision No.57 of 2016

1. Smt. Chherakin Bai, Wd/o Late Shri Hiralal, aged about 50 years, Caste Satnami, R/o Village Nawapara, Tahsil & Distt. Raigarh (C.G.).

(Appellant No.1/
Non-applicant No.1)

2. Manju Baghel, W/o Shri Prakash, aged about 41 years, R/o Village Tulasidih, Tahsil Kharasiya, Distt. Raigarh (C.G.).

(Appellant No.2/
Non-Applicant No.5)

3. Vikram Baghel, S/o Late Shri Hiralal Baghel, aged about 38 years, R/o Kansabel, Tahsil Bagicha, Distt. Jashpur (C.G.).

(Appellant No.3/
Non-Applicant No.6)

4. Prabha Baghel, W/o Shri Raj, aged about 35 years, R/o Raigarh, Distt. Raigarh (C.G.).

(Appellant No.4/
Non-Applicant No.7)

5. Shashi Baghel, D/o Late Shri Hiralal Baghel, aged about 31 years, R/o Village Nawapara, Nandeli Nawapara, Raigarh, Distt. Raigarh (C.G.).

(Appellant No.5/
Non-Applicant No.8)

6. Kamlesh Baghel, S/o Late Shri Hiralal Baghel, aged about 29 years, R/o Village Nandeli, Nawapara, Raigarh, Distt. Raigarh (C.G.).

(Appellant No.6/
Non-Applicant No.9)

---- Petitioners

Versus

1. Smt. Pushpa Baghel @ Vikki Khalakho, aged about 47 years, Caste Uranv, R/o Civil Line, Jashpur Nagar, Quarter No.1/8, Behind S.P. Office, Jashpur, Distt. Jashpur (C.G.).

(Respondent No.1/
Applicant No.1)

2. Ku. Khushaboo Baghel, aged about 17 years,

(Respondent No.2/
Applicant No.2)

3. Ku. Bindu Baghel, aged about 12 years,
(Respondent No.3/
Applicant No.3)

4. Ku. Anu Baghel, aged about 11 years,
(Respondent No.4/
Applicant No.4)

The Respondent No.2, 3 & 4 – Minor Through their Mother
Smt. Pushpa Baghel @ Vikki Khalakho, aged about 47
years, Caste Uranv, R/o Civil Line Jashpur Nagar, Quarter
No.1/8, Behind S.P. Office, Jashpur, Distt. Jashpur (C.G.).

5. The Block Education Officer Manora, Distt. Jashpur (C.G.).
(Respondent No.5/
Non-Applicant No.2)

6. State of Chhattisgarh, Through the Collector, Distt. Jashpur
(C.G.).
(Respondent No.6/
Non-Applicant No.3)

7. General Public, Village Nawapara, Tahsil & Distt. Raigarh
(C.G.).
(Respondent No.7/
Non-Applicant No.4)
---- Respondents

For Applicants:	Mr. Ajeet Kumar Yadav, Advocate.
For State/non-applicants No.5 & 6:-	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2016

1. The succession Court by its order dated 30-6-2015 granted
succession certificate in favour of Kum. Khushboo, Kum.
Bindu and Kum. Anu – daughters of Hiralal Baghel against
which Smt. Chherakin Bai and others preferred
Miscellaneous Civil Appeal No.8/2015 before the appellate
Court and the appellate Court by the impugned order

rejected the appeal. Feeling aggrieved against the order of the appellate Court, this revision under Section 384(3) of the Indian Succession Act, 1925 has been preferred.

2. Learned counsel for the applicants submits that concurrent finding recorded by the two Courts below holding that non-applicants No.2 to 4 herein are entitled for succession certificate is perverse and liable to be set aside.
3. The finding recorded by the two Courts below holding that non-applicants No.2 to 4 herein are entitled for succession certificate is a finding based on the evidence on record and I do not find any illegality in the said finding. However, in view of Section 387 of the Indian Succession Act, 1925, the applicants are at liberty to challenge the order granting succession certificate, in accordance with law.
4. With the aforesaid observation, the civil revision stands disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma