

HIGH COURT OF CHHATTISGARH, BILASPUR

CR No. 64 of 2014

- Prabodh Kumar Bag S/o Late J.K. Bag, Aged about 47 Years, R/o Tanki Maroda, Bhilai Nagar, Civic Centre, Tah. & Distt. Durg (C.G.)

---- Applicant

Versus

1. All Concerned.
2. Tapan Kumar S/o Ramratan Das, Aged about 65 Years, R/o Bakultala Lane, Post- Ichhawar Nawabganj, Distt. 24 Pargana (North) West Bangal.

---- Non-applicants

For Applicant	:	Shri H.B. Agrawal, Senior Advocate with Smt. Nand Kumari Kashyap, Advocate.
For Non-applicant	:	Shri S.A. Ansari, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/07/2016

1. An application filed by the applicant under Section 372 of the Indian Succession Act, 1925 (for short 'the Act, 1925') was rejected by the trial Court finding no merit, against which an appeal was filed by the applicant herein on which the Appellate Court affirmed the order of the Succession Court and dismissed the appeal against which this revision has been preferred.
2. Learned Senior Advocate appearing for the applicant would submit that both the Courts below have committed legal error in rejecting the appeal and succession case by recording a finding which is not only perverse but contrary to the record.
3. The finding is based on evidence available on record. I do not find any merit in this revision.

4. However, the dismissal of the appeal would not bar the applicant to file a suit in view of the provision contained in Section 387 of the Act, 1925 as the Act of 1925 being the special enactment makes a provision enabling the parties to file a separate suit challenging decision granting succession certificate under Section 372 of the Act, 1925.

5. With the aforesaid observation, the instant revision stands finally disposed of. No cost(s).

Sd/-
(**Sanjay K. Agrawal**)
JUDGE