

HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No.150 of 2014

Baldau Kumar Sahu, S/o Shri Kartik Ram, aged about 45 years,
R/o Filter Square, Rajgamar, P.S. Rajgamar, Tahsil & District
Korba (CG)

---- Applicant

Versus

1. Common Public,
2. Smt. Geeta Devi, widow of Kartik Ram, aged about 54 years.
3. Vidya Sahu, D/o Shri Kartik Ram, aged about 38 years.

Both are resident of Gayatri Nagar, Rajgamar, P.S. Rajgamar,
Tahsil & District Korba (CG).

4. Chief General Manager, SECL Raigarh, District Raigarh (CG).

---- Non-applicants

For Applicant	:	Shri H.V. Sharma, Advocate
For Non-applicants No.2 & 3	:	Shri Ashutosh Shukla, Advocate
For Non-applicant No.4	:	Shri O.P. Agrawal with Shri Viprasen Agrawal

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/08/2016

(1) Shri Kartik Ram, died in harness on 04.10.1995 while working as Mining Sardar in S.E.C.L., Barod Colliery of S.E.C.L. Non-applicants No.2 & 3 herein filed an application under Section 372 of the Indian Succession Act, 1972 for grant of succession certificate before the 1st Civil Judge, Class-I, Korba. The Succession Court, by its impugned

order dated 23.01.2013 has partly granted succession certificate in favour of non-applicants No. 2 & 3 and affirmed the same by the First Appellate Court.

(2) Against which, the instant civil revision has been filed by the applicant-Baldau Kumar Sahu herein claiming to be the son of deceased Shri Kartik Ram and questioning the impugned order passed by the two Courts below.

(3) I have heard learned counsel appearing for the parties and perused the records of both the Courts below with utmost circumspection.

(4) After hearing learned counsel for the parties and going through the records, I am of the considered opinion that the concurrent finding recorded by both the Courts below holding that non-applicant No.2 & 3 are the successors of deceased Shri Kartik Ram is a finding of fact based on the evidence available on record, I do not find any jurisdictional error in the impugned order warranting interference by this Court in exercise of revisional jurisdiction

(5) However, the applicant is at liberty to question the impugned order in a duly constituted civil appeal by virtue of provisions contained in Section 387 of the Succession Act, 1925 as a decision made under Part X upon any question of rights between parties does not operate as res judicata, even where issues were raised and/or evidence was led. In a later suit, issues have to be decided afresh by civil Court uninfluenced by findings made in proceedings for grant of succession certificate, *Joginder Pal v. Indian Red Cross Society*, (2000) 8 SCC

143.

(6) Accordingly, the civil revision being without substance is liable to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

L/-