

HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No.121 of 2016

Bhagwanteen Bai, aged about 41 years, D/o late Shri Dukalu, Occupation House Caretaker, R/o Village Ameri, P.S. Civil Line, Bilaspur, Tahsil Bilaspur, District Bilaspur (CG).

---- Applicant

Versus

1. Bhuwan Bai, aged about 36 years, S/o late Shri Dukalu, Occupation Cultivate, R/o Village Ameri, Tahsil Takhatpur, District Bilaspur (CG).
2. Commissioner, Chhattisgarh Housing Board, Shankar Nagar, Raipur (CG).
3. Branch Manager, Allahabad Bank Branch at ahead to Near Police Ground, Bilaspur (CG).

---- Non-applicants

For Applicant	:	Shri S.A. Ansari, Advocate
For Non-applicants	:	Shri Sanjay Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

7/10/2016

(1) Shri Dukalu Ram while working as Peon in Chhattisgarh Housing Board, Shankar Nagar, Raipur died in harness on 04.05.2006. The applicant/Bhagwanteen Bai herein filed an application under Section 372 of the Indian Succession Act, 1925 for grant of succession certificate registered as Succession Case No.49/2013. She has claimed to be daughter of late Dukalu Ram whereas, counter succession case filed by non-applicant No.1/Bhuwan Bai registered as Succession Case No.50/2013, who has claimed to be daughter of late

Dukalu Ram. The Succession Court, by its impugned order dated 08.04.2016 allowed the succession application of non-applicant No.1- Bhuwan Bai holding that she is a daughter of late Dukalu Ram and rejected the succession application of Bhagwanteen Bai holding that she is not a daughter of late Dukalu Ram.

(2) Against which, applicant-Bhagwanteen Bai preferred an appeal before the First Appellate Court. The First Appellate Court, by its impugned order dated 08.04.2016 affirmed the finding of the trial Court and dismissed the appeal of applicant-Bhagwanteen Bai.

(3) Against which, this civil revision has been filed by the applicant under Section 384 (3) of the Indian Succession Act, 1925.

(4) Learned counsel appearing for the applicant would submit that both the Courts below have concurrently recorded a perverse finding and thereby, denied the succession application granted in favour of the applicant and it is liable to be interfered with.

(5) On the other hand, learned counsel appearing for the non-applicants would submit that both the Courts below have rightly held that the applicant is not entitled for succession certificate.

(6) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(7) The concurrent finding recorded by both the Courts below are based on the evidence available on record. I do not find any illegality or perversity in the said finding. The applicant is at liberty to question the order rejecting the application for succession in accordance with

law before appropriate forum as provided under Section 387 of the Indian Succession Act, 1923.

(8) Accordingly, the civil revision being devoid of substance is liable to be and is hereby dismissed subject to above-stated observation.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-