

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TPC No. 20 of 2017**

- Bahadur Kujur S/o Late Shri Lohra Kujur, Aged About 55 Years R/o Village Badiyakhar, Post & Tahsil Pathalgaon, Distt. Jashpur, Chhattisgarh

---- **Petitioner****Versus**

1. Yogeshwar Kumar S/o Shri Bhola Prasad, Aged About 23 Years Caste-Uraon, R/o Ward No.14, Pashchimi Nepal Gate Charcha, Thana-Charcha, Tahsil Baikunthpur, Distt. Koriya, Chhattisgarh
2. Kum. Ananya D/o Yogeshwar Kumar, Aged About 1 Years Minor Through Natural Guardian Of Father (Yogeshwar Kumar Non-Applicant No.2) Caste- Uraon, R/o Ward No.14, Pashchimi Nepal Gate Charcha, Thana-Charcha, Tahsil Baikunthpur, Distt. Koriya, Chhattisgarh
3. Principal, Govt. Boys Higher Secondary School Kotba, Tah. & Block-Pathalgaon, Distt. Jashpur, Chhattisgarh

---- **Respondents**

For Petitioners : Shri Manoj Chouhan, Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****24/03/2017**

Heard on admission.

2. This is a petition filed under Section 24 of the Code of Civil Procedure, 1908 (hereinafter referred to as the Code of 1908 in short) for transferring the succession proceedings registered as Succession Case No. 8/2016 and pending before the First Civil Judge, Class-1, Baikunthpur, Dist. Koria to Civil Judge, Class-1, Kunkuri, Dist. Jashpur on the ground that since the petitioner is an old person and the distance between Jashpur and Baikunthpur is near about 250 - 300 kilometers, therefore, it is difficult for him to travel and attend on each and every hearing from Jashpur to Baikunthpur. On these premises, he prays

for the transfer of the said proceedings, i.e., Succession Case No. 8/2016 from Baikunthpur to Jashpur..

3. On perusal of the record, it revealed that non-applicants No. 1 & 2 have initiated the proceedings under Section 372 of the Indian Succession Act, 1925 (for short 'the Act of 1925') before the First Civil Judge, Class-1, Baikunthpur. The said proceedings were registered as the Succession Case No. 8/2016. After filing of these proceedings, the petitioner Bahadur Kujur has also initiated the succession proceedings under the Act of 1925 before the Civil Judge, Class-1, Kunkuri, Distt. Jashpur where the case was registered as Succession case No. 7/2016.

4. I have examined the grounds mentioned in the application for transfer of said Succession Case No. 8/2016 from Baikunthpur to Jashpur. However, I do not find any legal ground, so as to matter, as prayed for, could be transferred. Consequently, the said succession proceedings registered as Succession Case No.8/2016, cannot be transferred from the Court of Baikunthpur to the Court of Kunkuri, Dist. Jashpur.

5. The petition being devoid of merit is hereby dismissed.

6. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge