

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 697 of 2012**

{Arising out of Order dated 05.05.2012 passed in Succession Case No. 03 of 2011 by the Civil Judge, Class I Katghora, District Korba}

Ashok Kumar Rajak S/o Late Sunderlal Aged about 33 years, By Caste Dhobi,
R/o Sarma, Tahsil Podi Uproda, District Korba, Chhattisgarh.

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

1. Public at Large.
2. Branch Manager, Chhattisgarh Gramin Bank, Branch Bilaspur Raipur Kshetriya Bank, Korbi, District Korba, Chhattisgarh.
3. Rajkumar Tiwari S/o Kamlaprasad Tiwari, aged about 53 years, R/o Kubri, aged about 53 years, Tahsil Sihawal, District Sidhi, Madhya Pradesh.

---- **Respondents**

For Petitioner	: Shri Vivek Tripathi, Advocate.
For Respondents	: None

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Order on Board**29/01/2018**

1. Heard the learned counsel for the Petitioner in this petition under Article 227 of the Constitution. There is no appearance for the Respondents, though notice has been served on Respondents No. 2 and 3.
2. One Hargovind Prasad Tiwari passed away. It appears that there are disputes regarding the movables belonging to him. The third Respondent filed an application for issuance of succession certificate before the First Civil Judge, Class I, Sidhi in the State of Madhya Pradesh. Another application was filed by the Petitioner before the Civil Judge, Class I, Katghora, District Korba regarding the movables of Late Hargovind

Prasad Tiwari. According to the Petitioner, the proceeding at Korba in Chhattisgarh relates to the movable assets of Late Hargovind Prasad Tiwari insofar as they are in the State of Chhattisgarh and the Court at Madhya Pradesh could not have dealt with that issue for lack of territorial jurisdiction.

3. It is the admitted situation that the proceeding in the State of Madhya Pradesh before the 1st Civil Judge, Class I, Sidhi were instituted earlier than the proceedings in Korba Court in Chhattisgarh. Obviously, therefore, if the Petitioner has any complaint as to the territorial jurisdiction of the Court at Sidhi in Madhya Pradesh over the subject matter of the application for issuance of succession certificate or has any other objection as to jurisdiction, they are issues to be raised before the Court at Sidhi in Madhya Pradesh.
4. Under such circumstances, the impugned order of the Court at Korba staying the proceedings under Section 10 of the Code of Civil Procedure, 1908 cannot be found to be without jurisdiction. Hence, there is no jurisdictional error or legal infirmity in the impugned order. The writ petition therefore fails.
5. In the result, the writ petition is dismissed without prejudice to the rights of the Petitioner to raise objection before the appropriate Court on all issues.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE