

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 716 of 2018**

Nazim Ansari, S/o Lt. Fenku Miyan, aged about 56 years, resident of village-Batwahi, PS & Tahsil -Lundra, District Surguja (C.G.)

----Petitioner.

Versus

1. Umesh Kumar Minj, aged about 41 years, son of Lt. Shri Alfred Minj, aged about 41 years
2. Vinod Minj, son of Lt. Shri Alfred Minj, aged about 52 years.
3. Jivan Minj, aged about 44 years, son of Lt. Shri Alfred Minj.
4. Manoranjani Minj, aged 49 years, daughter of Lt. Alfred Minj.
5. Taramani Minj, aged about 46 years, daughter of Lt. Alfred Minj.

All are resident of village Sayar Rai, Post Raghunathpur, PS & Tahsil Lundra, District Surguja (C.G.)

----Respondents.

For Petitioner : Mr. V.K. Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/08/2018

(1) In an application for grant of succession certificate under Section 372 of the Indian Succession Act, 1925 filed by respondent No. 1/applicant – Umesh Kumar Minj on 21.04.2012, application for amendment has been allowed by order dated 26.07.2018, which has been questioned by way of filing this petition.

(2) Counsel for the petitioner submits that impugned order dated 26.07.2018 passed by the trial Court is bad and unsustainable in law.

(3) I have heard learned counsel appearing for the petitioner.

(4) The trial Court, vide order dated 18.07.2018, after perusal of the record while preparing the judgment thought it fit for bringing the legal representatives of Umesh Kumar Minj on record, granted opportunity to Umesh Kumar Minj to do so. In the considered opinion of this Court that the trial Court is absolutely justified in passing the impugned order. Thus, I do not find any merit in the impugned order warranting interference by this Court in the instant writ petition.

(5) Accordingly, the writ petition fails and is hereby dismissed. However, the petitioner is at liberty to file additional reply and also lead evidence in support of additional reply, if any, but he will not preclude the trial.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

