

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

SECOND APPEAL No.507 OF 2000

JUDGMENT:

This Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.') aggrieved by the judgment and decree dated 30.03.2000 passed in A.S. No.33 of 1993 on the file of the Senior Civil Judge, Kavali, Nellore District (for short, 'appellate court'), wherein the dismissal of O.S. No.231 of 1989, *vide* the judgment and decree dated 23.07.1993, on the file of the Principal District Munsif, Kavali, Nellore District (for short, 'the trial court'), was confirmed.

2. Heard the learned counsel for the appellants-plaintiffs and the learned counsel for the respondent-defendant, apart from perusing the material on record.

3. For the sake of convenience, the parties hereinafter are referred to as they were arrayed before the trial Court in the original suit.

4. Learned counsel for the appellants-plaintiffs would submit that both the Courts below have erred in dismissing the suit holding that the succession certificate was issued by the Court of Junior Civil Judge, it has no competence to issue succession certificate; and prayed to allow the appeal by decreeing the suit as prayed for.

5. On the other hand, learned counsel for the respondent-defendant would contend that both the Courts below have rightly decided the competence of the District Munsif's Court, Kavali, in issuing the succession certificate; the succession certificate was issued without jurisdiction; no substantial question of law arises in this Second Appeal; there are no circumstances to interfere with the findings of both the Courts below; and ultimately, prayed to dismiss the appeal.

6. The short question that falls for determination is, whether the District Munsif's Court, Kavali, has got jurisdiction to issue the subject succession certificate?

7. Both the Courts below have assigned reasons and held that the District Munsif's Court, Kavali, has got jurisdiction to issue succession certificate upto Rs.25,000/-. The subject succession certificate marked as Ex.A.3 was issued for a sum of Rs.63,327-28 ps. The plaintiffs filed the suit for recovery of Rs.19,694/- on the strength of Ex.A.3-succession certificate. Both the Courts below elaborately dealt with the factual and legal aspects and answered against the plaintiffs. Under these circumstances, no substantial question of law arises in this Second Appeal. This appeal is devoid of merit and it is liable to be dismissed.

8. In the result, the Second Appeal is dismissed confirming the judgment and decree dated 30.03.2000 passed in A.S. No.33 of 1993 on the file of the Senior Civil Judge, Kavali, Nellore District. Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date: 29.06.2018
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Dr. SHAMEEM AKTHER, J