

HIGH COURT OF CHHATTISGARH, BILASPURCivil Revision No.165 of 2017

Laxminarayan Sahu, aged about 50 years, S/o. Late Bhulauram Sahu,
R/o. Shitlapara, Tahsil Arang, Raipur (CG)

--- Applicant

Versus

1. State Bank of India, through Branch Manager, Shankar Nagar,
Raipur (CG)
2. General Public
3. Smt.Savitri Bai D/o. Late Milauram Sahu, R/o. Akoli Road, Arang,
Tahsil Arang, District Raipur (CG)

--- Respondents

For Applicant	:	Mr.Y.C.Sharma Advocate
For Respondent No.1	:	Mr.P.R.Patankar, Advocate
For Respondent No.3	:	Mr.Raja Sharma, Advocate

Hon'ble Shri Justice Sanjay K. AgrawalOrder on Board24/04/2019

1. The applicant herein filed an application under Section 372 of the Indian Succession Act, 1925 (hereinafter called as "the Act of 1925") for grant of succession certificate in his favour in respect of FDR left by late Milauram Sahu, in which respondent No.3 appeared and claimed that she being daughter of Milauram Sahu is entitled for succession certificate. The succession Court after due enquiry granted succession certificate in respect of FDR in favor of respondent No.3 holding that she being daughter is Class I heir of deceased Milauram, which was challenged by the applicant by way of appeal, which was dismissed leading to filing of this civil revision.
2. Mr.Y.C.Sharma, learned counsel for the applicant, would submit that both the Courts below are concurrently unjustified in granting succession certificate in favour of respondent No.3 without any application made by her claiming succession certificate, therefore, the

impugned order is liable to be set aside.

3. On the other hand, Mr.Raja Sharma, learned counsel for respondent No.3, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also went through the records with utmost circumspection.
5. It is true that FDR belonged to Milauram Sahu, who died on 25.11.2003. The succession Court has held that respondent No.3 herein is sole daughter of deceased Milauram, therefore, the Succession Court granted succession certificate in her favour holding her to be Class I heir of deceased Milauram, which has been affirmed by the revisional Court in appeal. The finding recorded by both the Courts below is neither perverse nor contrary to record.
6. The applicant's objection that respondent No.3 has never claimed succession certificate, therefore, it could not have been granted in her favour. It is for the succession Court to look into who is actually entitled for succession certificate and if respondent No.3 is held to be successor of deceased Milauram Sahu, she has rightly been granted succession certificate under Section 372 of the Act of 1925, which is in accordance with law. I do not find any illegality in the said finding.
7. Accordingly, the civil revision being devoid of merit is liable to be and is hereby dismissed. However, the applicant is at liberty to proceed under Section 387 of the Act of 1925.

Sd/-

(Sanjay K. Agrawal)
Judge