

HIGH COURT OF CHHATTISGARH, BILASPURCivil Revision No.6 of 2015

Lalit Kumar Keshari S/o. Late Shri Ramnarayan Keshari, aged about 48 years, R/o. Village-Pipariya, Thana-Pipariya, Tahsil-Kawardha, Civil & Revenue Distt.-Kabeerdham (CG)

--- Petitioner

Versus

1. Public At Large, interested in this case
2. Branch Manager, Dena Bank Pipariya Branch, Distt.-Kabeerdham (CG)
3. Mana Prasad S/o. Ram Prasad Chandrakar aged about 75 years
4. Pardeshi S/o. Salli Dewangan, aged about 72 years
5. Bisahin W/o. Sarju Nai, aged about 50 years.
6. Amit S/o. Gendlal Kesari, aged about 72 years.

Respondent No.3 to 6 are residence of Village – Pipariya, Thana – Pipariya, Tahsil-Kawardha, Civil & Revenue Distt.-Kabeerdham (CG)

--- Respondents

For Applicant:	Mr.Sunil Sahu, Advocate
For Non-applicants:	None present

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

05/04/2019

1. This civil revision is directed against the order dated 16.12.2014 passed by the appeal Court by which the appeal Court has dismissed the appeal filed by the applicant affirming the order of the succession Court refusing grant of succession certificate in his favour.
2. Mr.Sunil Sahu, learned counsel for the applicant, would submit that both the Courts below have concurrently unjustified in rejecting the application for grant of succession certificate filed under Section 372 of the Indian Succession Act, 1925 (hereinafter called as "the Act of 1925"), which is not only perverse, but contrary to record and

therefore, it is liable to be set aside.

3. None present for the non-applicants though served.
4. I have heard learned counsel for the applicant and perused the impugned order and went through the records with utmost circumspection.
5. The dispute relates to deposit made by Sita Devi, who died on 9.5.2011 and his son Rajesh Keshari also died on 3.3.212. Sita Devi was wife of Ram Narayan Keshari. The applicant claimed that his mother Samunda Bai has married with Ram Narayan Keshari and he is son out of their wedlock, which the succession Court did not found favour and held that the applicant has failed to establish marriage of his mother Samunda Bai with Ram Narayan Keshari and appeal Court has affirmed that finding.
6. The question would that the applicant has succeeded in establishing that his mother Samunda Bai has married with Ram Narayan Keshari. The succession Court has clearly held that Samunda Bai is still alive, but the applicant did not examine her to prove her marriage with Ram Narayan Keshari. It was incumbent upon the applicant to bring clinching evidence on record to establish marriage of his mother Samunda Bai with Ram Narayan Keshari which he failed to establish and documentary evidence which has been brought on record by the applicant was not accepted by the succession Court, as such, both the Courts below are justified in rejecting the application for grant of succession certificate in favour of the applicant under Section 372 of the Act of 1925, in which I do not find illegality or perversity.

7. Accordingly, the civil revision deserves to be and is hereby dismissed. However, the applicant is at liberty to proceed under Section 387 of the Act of 1925 in accordance with law without being prejudiced by the order of two Courts below as well as by this order.

Sd/-

(Sanjay K. Agrawal)
Judge

B/-