

CR Nos.1204 & 1749 of 2016 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 03.05.2019

1. CR-1204-2016 (O&M)

Haneefa @ Nifo

... Petitioner

Versus

General Public and another

... Respondents

2. CR-1749-2016 (O&M)

Haneefa @ Nifo

... Petitioner

Versus

General Public and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Puneet Kr. Bansal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

This order of mine shall dispose of two revision petitions bearing **CR No.1204 of 2016** titled as **“Haneefa @ Nifo V/s General Public and another”** filed against the order dated 26.11.2015 (Annexure P-8), whereby the application for correcting the name of the applicant as Haneefa @ Nifo and **CR No.1749 of 2016** titled as **“Haneefa @ Nifo V/s General Public”** filed against the order dated 26.11.2015 (Annexure P-8), whereby the application for correcting the name of husband of the petitioner as Hassan @ Hasu Ram, has been dismissed.

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Learned counsel for the petitioner submitted that an application for grant of Succession Certificate under Section 372 of the Indian Succession Act, was filed with the following title:-

"Application under Section 372 of the Indian Succession Act for the grant of Succession Certificate in respect of the amount deposited in Punjab Gramin Bank, Jhoke Hari Har in the shape of Fixed Deposit Receipt and in the saving bank account with The Kapurthala Ferozepur Kshetriya Gramin Bank, now known as Punjab Gramin Bank, Jhoke Hari Har, Tehsil and District Ferozepur in the name of Shariffan widow of Gian Singh, resident of Village Jhoke Hari Har, Tehsil and District Ferozepur."

The aforesaid application was allowed by the Court below, vide order dated 06.01.2015 (Annexure P-2). However, an application was filed for the correction of the names along with certain documents i.e. Aadhaar Card as well as Voter Card, but the same has been declined, on the ground that copy of the Aadhaar Card of Nifo and copy of the Identity Card of Nifo nowhere show Nifo as wife of Hassan @ Hassu Ram, rather Nifo has been shown as wife of Hassu Ram and similarly, Hassan was nowhere shown either in Aadhaar Card or in Identity Card as Hassan @ Hassu, but the Court below failed to notice that residential address is the same. Even in Annexure P-4, name of the husband of the petitioner is Hasu Ram. The petitioner(s) would be furnishing indemnity bond in the sum of ₹1,50,000/-, in case of any defect. The said amendment is clarificatory and not an attempt to impersonate.

There is no representation on behalf of the respondents, despite service.

I have heard learned counsel for the parties, appraised the paper

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book and of the view that Annexure P4, Aadhaar Card with photograph and copy of the Identity Card issued by the Election Commission, reflect the name of the petitioner as Nifo wife of Hassu Ram. The aforementioned amendment is just clarificatory, in order to avoid any complications for claiming succession in the estate of Shriffa widow of Gian Singh, in respect of the bank account. Since, the trial Court, while granting the Succession Certificate, vide order dated 06.01.2015, had also imposed the condition of furnishing indemnity bond in the sum of ₹1,50,000/- with one surety, in case the information is found to be incorrect, I deem it appropriate to set aside the impugned orders, under challenge and the applications seeking correction in the succession certificate are allowed.

With the aforesaid observations, the revisions stand allowed.

03.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**