Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Tr.P. (C) No. 1 of 2019

Date of order: 10.12.2020

Sardar Nirlep Singh & Anr. Vs. Paramjit Singh & Anr.

Coram:
Hon'ble Mr. Justice Biswanath Somadder, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mrs. P.D. Bujarbaruah, Sr. Adv.with
Ms. B.L. Ghosh, Adv.

For the Respondent(s) : Ms. A. Paul, Adv.

This is a transfer petition filed under section 24 of the Civil Procedure Code for transferring of the proceedings of Test Probate Case No. 2(T)99/15/2013 pending in the Court of Additional Deputy Commissioner, Shillong, to the Hon'ble High Court of Meghalaya, for disposal as per law.

According to the learned advocate for the petitioners, in the facts of the case, the court of the Additional Deputy Commissioner, Shillong, does not have any pecuniary jurisdiction in respect of conclusiveness of probate, if the value of the property exceeds Rs. 10,000/- (Rupees ten thousand) in respect of properties which are situated outside the jurisdiction of that Court.

The records, however, do not reveal any order passed by the learned Additional Deputy Commissioner, Shillong, with regard to his jurisdiction. As such, invoking of sub-section 5 of section 24 of the Code of Civil

Procedure, 1908, seeking transfer of the proceedings pending before the Additional Deputy Commissioner, Shillong, to the High Court of Meghalaya, by the petitioners, at this stage, is premature. The petition is, therefore, disposed of with liberty to the petitioners to approach this Court in the event the learned Additional Deputy Commissioner, Shillong, comes to a conclusive finding with regard to its lack of pecuniary jurisdiction in respect of conclusiveness of probate, as sought to be highlighted by the petitioners in the instant application.

(Biswanath Somadder)
Chief Justice

Meghalaya
10.12.2020
"Sylvana PS"