

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.138 of 2017

Mostt. Sandhya Singh Wife of Late Ram Kripal Singh, Resident of Village
P.O.- Tengrahan, P.S.- Minapur, District- Muzaffarpur, Bihar.

... .. Appellant/s

Versus

1. Meera Singh and Ors Wife of Sri Umesh Prasad Singh and Daughter of Late Ram Kripal Singh, Resident of Village- Dhanupura, P.O.- Kolwara, P.S.- Saraiya, District- Muzaffarpur, Bihar.
2. Kiran Singh, Wife of Raju Singh and daughter of Late Ram Kripal Singh, Resident of Village- Ghoghraha, P.O.- Rajarampur, P.S.- Saraiya, District- Muzaffarpur, Bihar.
3. Supriya Singh Wife of Bimlesh Kumar Singh and Daughter of Late Kripal Singh, Resident of Village- Dhanupura, P.O.- Kolwara, P.S.- Saraiya, District- Muzaffarpur, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjan Kumar Singh, Advocate
For the Respondent/s : Mr.Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

CAV JUDGMENT

Date : 07-12-2022

The present appeal is directed against the order dated 18.11.2016 passed in Succession Case No. 15 of 2006 by the learned Sub-Judge-1st, Muzaffarpur by which the learned Court was pleased to issue Succession Certificate in favour of respondent Nos. 1 to 3 while the claim of the appellant was rejected.

2. The matrix of the facts giving rise to the present appeal is/are as follows :-

3. The respondent Nos. 1 to 3 namely, Meera Singh, Kiran Singh and Supriya Singh claiming themselves to be the



daughters of late Ram Kripal Singh filed Succession Case No. 15 of 2006 under Section 372 of the Indian Succession Act (henceforth for short 'the Act') for grant of Succession Certificate to the deceased Ram Kripal Singh claiming themselves to be his daughters with the further averment that their mother, Parwati Devi already died prior to the death of their father on 3.10.2005. It is to be noted that Ram Kripal Singh died on 4.5.2006.

4. The appellant, Sandhya Singh preferred petition in the said Succession Case No. 15 of 2006 for addition of her name claiming herself to be the wife of late Ram Kripal Singh. According to her, the marriage was solemnised with Ram Kripal Singh at village-Kataiya, Gopalganj on 22.2.2006 and they were living a happy conjugal life.

5. Subsequently, on 26.3. 2006, Ram Kripal Singh fell ill and was treated at All India Institute of Medical Sciences, New Delhi as also Janki Das Kapoor Memorial Hospital Sonipat, Haryana where he breathe his last on 4.5. 2006.

6. In favour of their respective claims, the three daughters put forward altogether seven witnesses which were as follows :-

(i) A.W.-1, A.W.-2 and A.W.-3 were the three



sisters themselves namely, Meera Singh, Kiran Singh and Supriya Singh and they deposed that their mother died on 3.10.2005 whereafter they were taking care of late Ram Kripal Singh on rotation basis. Subsequently, he fell ill and breathe his last at Janki Das Kapoor Memorial Hospital Sonipat, Haryana on 4.5.2006. One of the three sisters was at the bedside when he died whereafter the dead body was handed over to them and later mortal remains were consigned to flames by them;

(ii) later, 'Shraddh' was performed by them.

It was their further contention that their father, Ram Kripal Singh never married any lady much less with Sandhya Devi as she claimed;

(iii) A.W.-4, Ram Surat Singh was the own brother of deceased, Ram Kripal Singh. He deposed that his brother died at Sonipat Hospital on 4.5.2006 while his wife Parwati Devi died on 3.10.2005 and after the death of



Parwati Devi, the deceased never solemnized any marriage with anyone. Thus, he denied the second marriage of late Ram Kripal Singh;

(iv) A.W.-5, Mohan Pathak is a formal witness who identified the certificate granted by the Circle Office, Meenapur (Exhibit-1);

(v) A.W.-6, Dharendra Singh, is also a villager who supported the case of the three sisters stating that Ram Kripal Singh died on 4.5.2006 at Sonipat while his wife, Parwati Devi died on 3.10.2005 and further, no second marriage took place;

(vi) A.W.-7, Anjarul Haque is again a formal witness who identified the certificate granted by Dr. Nirmal Khandelwal, Janki Das Kapoor Memorial Hospital, Sonipat, Haryana (Exhibit-2 and 2/1). He also certified the death certificate of deceased, Ram Kripal Singh (Exhibit-3) and Parwati Devi (Exhibit-3/1).

7. So far as the opposite party-appellant's case



is/was concerned, altogether eleven witnesses were examined which included :-

(i) Op.W-1 Most. Sandhya Singh who claimed to have married Ram Kripal Singh on 22.2.2006 in village Kataiya after the death of his first wife, Parwati Devi. Her further statement was that Ram Kripal Singh was not ill at the time of marriage and was physically fit on 22.2.2006 when marriage took place and fell ill in March, 2006 whereafter he was treated at Siwan, Delhi and lastly at Sonipat, Haryana where he died on 4.5.2006;

(ii) Op.W.-2, Ramanand Singh and Op.W.-3, Ramadhar Singh are villagers who claimed to have been present in the marriage between Ram Kripal Singh and Sandhya Devi that took place on 22.2.2006.

(iii) Op.W.- 4, Hari Shankar Singh, Op.W.-5, Ram Bhushan Singh, Op.W.-6, Lal Babu Singh, are also villagers and have also supported the 22.2.2006 marriage version



with Ram Kripal Singh;

(iv) Op.W.-7, Ram Prit Tiwari claims himself to be the 'Pandit' who solemnized the marriage at Consolidation Office, Kataiya while Op.W.-8 is Asharfi Sah, who claimed to be the landlord of the Consolidation Office, Kataiya and further supported the case put forward by Sandhya Singh;

(v) Op.W.-9 is Devta Singh, father of Sandhya Singh while Op.W.-10, Lakhan Manjhi is an employee of Consolidation Office, Kataiya and Op.W.-11, Ramadhir Singh was mediator who negotiated the marriage between Sandhya Singh and Ram Kripal Singh.

8. The exhibits put forward by Sandhya Singh were as follows :-

(i) Exhibit-A,- an application to the Consolidation Office to unlock the room where she was living with Ram Kripal Singh;

(ii) Exhibit-A/1- was the signature of Lakhan



Manjhi in the said application;

(iii) Exhibit A/A- is the Letter No. 64 dated 14.8.2016 issued by the Consolidation Office, Siwan to all claimants including Sandhya Singh to bring Succession Certificate while Exhibit-A/D is the Voter list prepared on 6.8.2007.

9. The learned Court after going through the facts of the case, the deposition of the respective parties as also the documents/exhibits that were put forward by them came to the conclusion that so far as the grant of Succession Certificate to three daughters namely, Meera Singh, Kiran Singh and Supriya Singh are concerned, there is no opposition from the opposite party, Sandhya Singh and thus it is accepted fact that all three applicants are daughters of the deceased, Ram Kripal Singh.

10. So far as the evidences that has been put forward by the opposite party is concerned, there are contradictions inasmuch as while some witnesses stated that the marriage was solemnized at the Consolidation Office, the others said that it happened at Kataiya Village and further none of the family members/relatives of the deceased, Ram Kripal Singh had deposed on behalf of the opposite party to support her



marriage with the deceased.

11. The learned Court also took note of the documentary evidences put forward by Sandhya Singh and recorded that :-

- (i) there is no photograph to the marriage;
- (ii) there is no service book of the deceased;
- (iii) no family members had said that the opposite party is the wife of Ram Kripal Singh;
- (iv) although, there is voter list but it is dated 6.8.2007 i.e. after the death of Ram Kripal Singh on 4.5.2006.

12. The learned Court further took into account the statement of Sandhya Singh that her photographs and articles were stolen by son-in-law of Ram Kripal Singh but held that in absence of any FIR to this effect, the same cannot be accepted.

13. The learned Court finally held that there is strong objection on behalf of the applicants, three sisters about the marriage of the opposite party-appellant, Sandhya Singh with Ram Kripal Singh and there is absolutely no evidence on behalf of her to support the case she has filed to prove the marriage with deceased, Ram Kripal Singh.



14. Accordingly, the learned Court held that in view of no objection for the issuance of Succession Certificate in favour of all the three applicants , the same is granted while in view of the facts that have been narrated in the aforesaid paragraphs, the lady, Sandhya Singh is not entitled to get any Succession Certificate.

15. Accordingly, the following order was passed by the learned Court :

Under the above facts, circumstances and keeping in view the evidence and discussions made above, I find that there is no objection to issue succession certificate in favour of all three applicants. As such the succession application is accepted. Office is directed to issue succession Certificate in favour of applicants namely, Meera Singh, Kiran Singh and Supriya Singh on the condition of filing on indomnity bond of Rs. Five lakh with two sureties of like amount each.

16. Being aggrieved, the present appeal has been filed by the appellant, Sandhya Singh.

17. Heard counsel for the parties.



18. Mr. Ranjan Kumar Dubey, learned counsel representing the appellants submitted that although the learned Court recorded that there is contradiction in the statements but failed to take into account that in the absence of documentary evidences, the oral evidences have to be taken note of. He further submitted that the witnesses have supported the marriage of Sandhya Singh with the deceased Ram Kripal Singh. He further submitted that there was no contradiction in the statement of the witnesses so far as the marriage place is concerned, as the Consolidation Office is in the Kataiya Village.

19. His further contention was that she had fully narrated the events from the illness of Ram Kripal Singh to his death at Sonipat to prove that not only she was wife but she was moving along with him and as such in the aforesaid circumstances, the learned Court erred in not granting the Succession Certificate in her favour.

20. Mr. Krishna Kant Singh, learned counsel for the respondents on the other hand submit that the dates and events that unfolded clearly show that the lady has been cropped up by interested parties only to grab the properties of late Ram Kripal Singh. It has been submitted by the learned counsel for the respondents that on 3.10.2005, the respondent's mother, Parwati



Devi died whereafter through rotation one or the other sister was taking care of Ram Kripal Singh, their father.

21. Further, when he fell ill, one of her sister who was residing at Sonipat (Haryana) took her to the said place where he was undergoing his treatment and finally died in their presence. Subsequently, the mortal remains of Ram Kripal Singh was brought and consigned to flames whereafter 'Shraddh' was performed by the three sisters with the help of their family members. The lady, Sandhya Singh was nowhere to be seen.

22. The further contention of Mr. Krishna Kant Singh is that immediately after the death of their mother, the deceased Ram Kripal Singh fell ill and was undergoing treatment and as such the claim of appellant that the marriage took place on 22.2.2006 and the couple was leading a happy conjugal life is a figment of imagination which is fit to be rejected.

23. It was further submitted that in the present time, it is hard to believe that the marriage took place without having a single photograph to the ceremony and/or to the knowledge of any of the family members of Ram Kripal Singh.

24. So far as the support to Sandhya Singh by the



employees of Consolidation Office is concerned, learned counsel submitted that for oblique reason, the lady has been propped up by the office staffs and as such, the claim put forward by her is fit to be rejected. It was his last contention that a single piece of paper, the voter list showing Sandhya Singh to be the wife of Ram Kripal Singh is again fit to be rejected as the same has been prepared in 2007 after the death of Ram Kripal Singh and obviously with the help of the employees of the Consolidation Office.

25. Having heard the rival submissions, this Court is of the considered view that the three sisters as also the brother of Ram Kripal Singh had denied the solemnization of any marriage with any lady, much less with Sandhya Singh, it was the duty on the part of the appellant to bring on record the cogent facts/evidences in support of her case to prove that she is/was legally wedded wife of late Ram Kripal Singh.

26. Having failed to do so, the learned Court was perfectly justified in issuing the Succession Certificate to the three daughters while denying the same to her. The appellant's case is that she married Ram Kripal Singh on 22.2.2006 but failed to bring on record any document/photograph of the said ceremony.



27. Further, she also failed to prove that she was part and parcel of the events that unfolded after the death of Ram Kripal Singh followed by his funeral and finally ‘Shraddh’.

28. So far as the Voter list is concerned, it was prepared in 2007, one year after the death of Ram Kripal Singh and cannot be taken up in support of the case.

29. This Court does not find any error in the order dated 18.11.2016 passed by learned learned Sub-Judge-1st, Muzaffarpur in Succession Case No. 15 of 2006.

30. The M.A. No. 138 of 2017 fails and is accordingly dismissed.

(Rajiv Roy, J)

Ravi/Ajay-

AFR/NAFR	NAFR
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