

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CR-3352-2015(O&M)
Date of decision: 04.08.2022

MANISHA SARIN AND ORS.

..Petitioners

Versus

GENERAL PUBLIC AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The Additional Civil Judge Senior Division, Rajpura, has dismissed a petition filed under Section 372 of the India Succession Act, 1925 (hereinafter referred to as 'the Act'), on the ground that the registered offices of the various companies are located in Mumbai, New Delhi, Ahmedabad, Gaziabad, Ludhiana, Rewari and Bangalore.

It is evident that the Court has overlooked Section 371 of the Act which reads as under:-

“371. Court having jurisdiction to grant certificate.—
The District Judge within whose jurisdiction the deceased ordinarily resided at the time of his death, or, if at that time he had no fixed place of residence, the District Judge, within whose jurisdiction any part of the property of the deceased may be found, may grant a certificate under this Part.”

It is evident that the application for grant of succession certificate is required to be filed either before the Court within whose jurisdiction the deceased, ordinarily, resided at the time of his death or if at the time of death, he had no fixed place of residence, the District Judge within whose jurisdiction any part of the property of the deceased may be found.

In the present case, widow and mother of two minor children of the deceased filed an application for grant of succession certificate with respect to the various shares held by the deceased in various companies.

Keeping in view the aforesaid facts, the order under challenge is set aside. The matter is remitted back to the Court for deciding afresh. The Court shall be entitled to examine the maintainability of the petition with regard to the territorial jurisdiction and with reference to Section 371 of the Act along with the assertions made in the petition.

The petitioner through his counsel is directed to appear before the Court on 23.08.2022.

All the pending miscellaneous applications, if any, are also disposed of.

August 04th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*