

NARESH KUMAR
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

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CR-1271 of 2019 (O&M)
Date of decision: 31.10.2022

Devinder Kaur

..Petitioner

Versus

Jatinderjit Kaur @ Jatinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Munjal, Advocate, for the petitioner.

ANIL KSHETARPAL, J(Oral)

1. Challenging the concurrent findings of fact arrived at by the courts below, the respondent in the application for revocation of Succession Certificate has come up in the revision petition.
2. Initially, the application filed for the grant of the Succession Certificate by the petitioner was allowed on 11.08.2011. However, the respondents filed an application for its revocation on the ground that they are the widow and the children of the deceased. There is a serious contest between the petitioner and the respondents. The petitioner also claims to be the widow of the deceased. The courts, on appreciation of evidence, have found that the petitioner has failed to prove that she was legally married with the deceased- Amar Chand Modgil.
3. On the other had, it has been found that the marriage between the respondent no.1 and late Sh. Amar Chand Modgil has been proved. There is also evidence that the petitioner changed the names of her children in the record in order to prove these children are from the loins of late Sh. Amar Chand Modgil.

4. The proceedings under Chapter-X of the Indian Succession Act, 1925 are summary in nature. Section 387 of the Indian Succession Act, 1925 specifically provides that any decision under this part shall not be held to be a bar to the trial of the same question in any suit or other proceedings. The said provision is extracted as under:-

“387. Effect of decisions under this Act, and liability of holder of certificate thereunder.—No decision under this Part upon any question of right between any parties shall be held to bar the trial of the same question in any suit or in any other proceeding between the same parties, and nothing in this Part shall be construed to affect the liability of any person who may receive the whole or any part of any debt or security, or any interest or dividend on any security, to account therefor to the person lawfully entitled thereto.”

5. Keeping in view the aforesaid facts, the petitioner may avail her alternative remedy. In exercise of the revisional jurisdiction, this court does not find it appropriate to interfere, particularly when the Courts have recorded cogent before recalling the Succession Certificate.

6. Disposed of accordingly.

7. Needless to observe that the observations made by this court shall not be construed as an expression of final opinion on the merits of the case.

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

October 31, 2022

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(ANIL KSHETARPAL)
JUDGE

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