

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

114

**CR-5174 of 2019 (O&M)
Date of decision: 30.11.2022**

Suman

..Petitioner

Versus

General Public and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anish Setia, Advocate and
Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Sumit Gupta, Advocate, for respondent no.2 and 3.

ANIL KSHETARPAL, J(Oral)

The trial court has adjourned the proceedings in an application for grant of succession certificate *sine die* on the ground that that a regular suit between the parties with respect to the same subject matter is already pending. The Court has formed an opinion that continuation of these proceedings shall not achieve any fruitful objective as the proceedings for grant of succession certificate are summary in nature and ultimately, the rights of the parties are required to be decided by a Civil Court.

This revision petition has been filed by the daughter of the deceased challenging the correctness of the aforesaid order.

Though, the learned counsel representing the petitioner is correct in contending that Section 10 of the Code of Civil Procedure, 1908 shall not be applicable, however, in the facts of the case, the conclusion drawn by the trial Court does suffer from any substantive error. Once it is not in dispute that the rights of the parties shall have to be finally decided in a regular suit, there is no occasion to continue parallel proceedings, which will only result in burdening the Court and wasting its precious time.

The learned counsel representing the petitioner submits that in the civil suit, the plaintiffs are not leading evidence. The suit was filed on 31.03.2017 before the Civil Judge (Senior Division), Karnal. The Civil Court is requested to make sincere endeavours for finally deciding the suit within a period of 9 months, from today, positively.

Disposed of accordingly.

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

November 30, 2022

(ANIL KSHETARPAL)
JUDGE

nt

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