

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

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2023:PHHC:124314

1. CR-8385-2017(O&M)
Date of decision: 21.09.2023

ADITYA JAIN

..Petitioner

Versus

LIFE INSURANCE CORPORATION OF INDIA

..Respondent

2. CR-8388-2017(O&M)

ADITYA JAIN

..Petitioner

Versus

LIFE INSURANCE CORPORATION OF INDIA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. D.K. Singal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

1. This order shall dispose of two connected civil revision petitions filed to challenge the correctness of two separate orders passed by the trial Court on 14.08.2017 and 30.10.2017.

2. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

3. The petitioner's suit for recovery of Rs.4,46,592/- against Life Insurance Corporation Ltd. is pending. In substance, he claims that his grand-father purchased annuity policy, which entitled him to get pension during the old age of his life. After his death, the payment was being made to his grand-mother (widow of grand-father). The plaintiff claims the entitlement to the aforesaid amount on the basis of a registered Will

allegedly executed by his grant-father on 22.03.1990 bequeathing the

property in his favour. When the suit was pending in the Court of first instance, the plaintiff filed an application to lead additional evidence or rebuttal evidence in order to produce certified copy of the succession certificate dated 07.10.2009, which has been rejected by the trial Court on the ground that such succession certificate has not been referred to in the pleadings. The Court has also noticed that on previous occasion, amendment of the plaint was allowed in the year 2013 and plaintiff's evidence was closed in May, 2017. In Civil Revision Petition No.8388 of 2017, the plaintiff's application for permission to amend the plaint so as to incorporate the factum of issuance of certificate has been rejected by the trial Court.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. The learned counsel representing the petitioner contends that succession certificate proves the entitlement of the plaintiff (petitioner) and therefore, such document help the Court in adjudicating the case properly.

6. On the other hand, the learned counsel representing the respondent submits that the application was filed after an unexplained delay of 8 years as the succession certificate was issued on 07.10.2009, whereas, the application was filed in the year 2017.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. Undoubtedly, there is a delay in filing the application and the production of succession certificate, however, it would not be appropriate to reject the same only on that ground particularly when it is relevant and an important piece of evidence. The succession certificate is issued by the

Court of competent jurisdiction in exercise of powers of Indian Succession Act, 1925 in summary proceedings. Some sort of adjudication takes place while deciding succession certificate. This will help the Court in deciding the case. Hence, the defendant can be compensated with the cost of Rs.200/- to be paid to the defendant.

9. It may be noted here that as per Order VI Rule 2 of the Code of Civil Procedure, 1908, the pleadings are required to be confined to the statement of important facts and that also is in concise form. The parties are not required to incorporate the evidence in their pleadings.

10. Keeping in view the aforesaid facts, CR-8385-2017, is allowed and the order dated 14.08.2017 is set aside.

11. In view of the order passed in CR-8385-2017, the learned counsel representing the petitioner does not wish to press CR-8388-2017.

12. Ordered accordingly.

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

September 21st, 2023

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**(ANIL KSHETARPAL)
JUDGE**

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