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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122+125

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Date of decision: 09.10.2023

Rajo Devi

....Petitioner

Versus

General Public

...Respondent

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Surya Parkash, Advocate for the petitioner.

AMARJOT BHATTI, J.

CM-18898-CII-2023

Learned counsel for the applicant has filed application u/s 151 C.P.C. for placing on record copy of application for release of property dated 09.11.2022 along with personal bond and affidavit dated 06.10.2023 as Annexure P-4 and P-5 respectively.

For the reasons stated in the application, the same is allowed. The accompanying documents as Annexure P-4 and P-5 are taken on record.

CM stands disposed of.

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1. The petitioner – Rajo Devi has filed civil revision against impugned order dated 24.05.2023 (Annexure P-3) passed by learned Additional Civil Judge (Senior Division), Safidon vide which application for the release of property was declined.

2. The learned counsel for the petitioner has placed on record copy of judgment dated 22.04.2022 vide which succession certificate was

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ordered to be issued in favour of the petitioner on furnishing security bonds and surety bonds. Copy of judgment is Annexure P-1. Thereafter, application was filed for the release of property by Shiv Charan Dass and Satish Kumar sons of Kishori Lal which is Annexure P-4 and the same was declined by passing of impugned order. It is pointed out that Rajo Devi is the only legal representative of late Manoj Kumar. He lost his life in a road accident along with his wife Babita and two sons namely Abhay Kumar and Hemant Garg. Accordingly the succession certificate was issued in favour of Rajo Devi. The applicants stood as surety at the time of issuance of succession certificate. The learned counsel for the petitioner pointed out that the property furnished by the surety cannot be kept as it is for all times to come as the applicants require their property for their personal use. To support her claim the counsel for the petitioner has also relied upon one authority of Delhi High Court in a case **2021(1) CivCC 585, titled as "Arvind Nanda vs. State"** where in that case 'the succession certificate was sought by the petitioner being sole legal heir of the deceased. There was no objection from any quarter and for this reason the petitioner was exempted from furnishing surety'.

3. I have considered the facts of the case. In this case the succession certificate was ordered to be issued as per order dated 06.05.2022 (Annexure P-2). Shiv Charan Dass and Satish Kumar stood as surety for petitioner Rajo Devi by placing on record copies of transfer deed as well as sale deeds. It is not disputed that period of more than one year has passed and no better claimant has come forward. The application is filed by the applicants for the release of their property. Now at present the counsel for the petitioner pointed out that the petitioner Rajo Devi as well

as the applicants are ready to furnish their personal bonds along with

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affidavit to indemnify in case a better claimant comes forward. The personal bonds and affidavits were not furnished at the time of filing of application.

Considering the aforesaid facts, the impugned order dated 24.05.2023 (Annexure P-3) is set aside as the petitioner along with applicants Shiv Charan Dass and Satish Kumar intends to furnish personal bonds along with affidavit before the trial Court to indemnify in case of better claimant. The trial Court is directed to decide the application afresh as per law in the light of aforesaid facts.

Accordingly, the civil revision is disposed of.

09.10.2023
Sunil Devi

(AMARJOT BHATTI)
JUDGE

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