

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

**CR No. 1326 of 2020
Date of decision: 25.01.2023**

Smt. Sumita and others Petitioners.

Versus

General Public Respondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. S.K. Chaudhary, Advocate, for the petitioners.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners have challenged the order dated 31.10.2019 passed by the Civil Judge (Senior Division), Pathankot, whereby their application under Section 372 of the Indian Succession Act for grant of succession certificate has been dismissed *qua* petitioner No. 1.

Learned counsel for the petitioners submits that petitioner No. 1 was the legally wedded wife of Prem Singh (since deceased) and, therefore, she was also entitled to the succession certificate along with other petitioners as she was one of his Class-I legal heirs.

Heard.

Petitioner No.1 along with other legal heirs had sought for grant of succession certificate in respect of the estate of Prem Singh. Prem Singh is stated to have expired on 14.02.2015. Petitioners No. 2 to 6 are his children while petitioner No. 1 claims herself to be his wife. It is apparent from the perusal of the record that Prem Singh had solemnized his first marriage with

one Reeta Devi. The case of petitioner No.1 is that the first wife of Prem Singh had gone missing and Prem Singh had solemnized second marriage with petitioner No.1. The first wife of Prem Singh, namely, Reeta Devi is stated to have been missing from 23.10.1999, but the second marriage was solemnized on 03.08.2001, i.e. within a period of two years without waiting for the period of seven years as stipulated in Section 13 (1)(vii) of the Hindu Marriage Act, 1955. Prem Singh admittedly did not seek divorce from his first wife. Therefore, I do not find any infirmity in the impugned order declining the succession certificate to petitioner No.1.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

25.01.2023
Ramesh

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