

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

**CR-843-2024 (O&M)
Date of Decision: 25.04.2024**

AVTAR KRISHAN BHANOT

....Petitioner

VERSUS

**KRISHAN KUMAR SHARMA SINEC DECEASED THROUGH
LRS AND ANR**

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ivan Singh Khosa, Advocate
for the petitioner.

VIKAS SURI, J. (Oral)

CM-7346-CII-2024

Application under Section 151 CPC for placing on record Notification dated 27.10.1998 as Annexure A-1, is allowed for the reasons mentioned therein. Annexure A-1 is taken on record, subject to all just exceptions.

Office to tag the same at the appropriate place.

CM stands disposed of.

CR-843-2024 (O&M)

1. This is a petition filed by the petitioner (Avtar Krishan Bhanot) under Article 227 of the Constitution of India for setting aside order dated 10.01.2024 passed by the learned Civil Judge (Senior

Division), Chandigarh, whereby the application for seeking dismissal of the succession petition, filed by respondent No.1, for grant of succession certificate under Section 372 of the Indian Succession Act, 1925 in respect of the amounts standing to the credit in bank accounts of Late Sh. Faqir Chand Bhanot, has been dismissed.

2. On 12.02.2024, following order was passed:-

“At the very outset, learned counsel for the petitioner submits that he does not press the original prayer for dismissal of the succession petition, however, in order to avoid different findings being returned on the same facts by the two courts, he seeks to make a prayer in the alternate. Before doing so, he seeks sometime to place on record a copy of the notification whereby in the Union Territory of Chandigarh, Civil Judge, Senior Division, Chandigarh has been conferred powers to exercise jurisdiction under Section 372 of the Indian Succession Act, 1925.

At his request, list on 14.03.2024.”

3. Today, on resumed hearing, learned counsel for the petitioner submits that in absence of the plea in alternative, in the present revision petition, he seeks withdrawal of the same with liberty to approach the learned District Judge, Chandigarh by invoking jurisdiction under Section 24 of the Code of Civil Procedure, 1908. It is, however, conceded that two proceedings, one being summary in nature under Section 372 of the Indian Succession Act, 1925, cannot be consolidated with the civil suit. It is further submitted that in order to avoid contradictory orders being passed with regard to the same subject

matter, i.e. the amount in the three bank accounts of Late Sh. Faqir Chand Bhanot, the petitioner would be satisfied if both the proceedings are tried by one and the same presiding officer. The petitioner would also be at liberty to raise all permissible pleas before the Court concerned, upon availing the alternative remedy, as per law.

4. Dismissed as withdrawn with liberty aforesaid.

April 25, 2024
Sangeeta/sumit.k

(VIKAS SURI)
JUDGE

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