

2024:PHHC:062022

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

CR-2134-2019 (O&M)
Date of decision: 06.05.2024

Vijay Kumari and others

...Petitioners

Versus

Rameshwar Raj Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Munish Bhardwaj, Advocate for the petitioners

ANIL KSHETARPAL, J (Oral)

1. The petition under Section 372 of the Indian Succession Act, 1925 (hereinafter referred to as '1925 Act') for the grant of succession certificate to the respondent (Rameshwar Raj Kumar) is pending before the trial court. During the pendency of the aforesaid petition, respondent no.2 to 5 filed an application before the trial court for relegating the respondent to the remedy of civil suit on the ground that complicated questions of fact are involved in the present case. The trial court dismissed the application. The correctness of the aforesaid order has been challenged in this revision petition.

2. Learned counsel representing the petitioners submits that the respondent married Smt. Vinod Kumari without taking divorce from his first wife (Smt. Sunita @ Uma Sharma). Hence, the succession certificate proceedings cannot continue.

3. This Court has considered the submissions made by the learned counsel representing the petitioners.

4. The proceedings under Section 372 of the 1925 Act are summary in nature. In the civil suit, such finding is not binding upon the parties. However, it is not mandatory for the court to relegate the parties. In appropriate case, the court can continue with proceedings for the grant of succession certificate.

5. Keeping in view the aforesaid facts, no ground to interfere is made out.

6. Hence, dismissed.

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

06.05.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE