

2024:PHHC:041350
**125 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-6459-2019 (O&M)
Date of decision: 21.03.2024

Mahant Heerapuri Chela Maya Puri

...Petitioner

Versus

General Public and anothe

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Namit Gautam and
Ms. Ishita Negi, Advocates for the petitioner

Mr. S.S.Kamboj, Advocate for respondent no.2-Bank

ANIL KSHETARPAL, J (Oral)

1. Mahant Heerapuri Chela Maya Puri was unable to encash the various Fixed Deposit Receipts (hereinafter referred to as 'FDR') from the Canara Bank in the absence of succession certificate. Hence, he filed an application under Section 372 of the Indian Succession Act, 1925 (hereinafter referred to as '1925 Act') for the grant of succession certificate. Though the court allowed the petitioner's application with respect to one FDR, however, with respect to the remaining two FDRs, the succession certificate was not issued on the ground that same has not been exhibited or marked. The petitioner filed a review application against the non-issuance of succession certificate. It has been dismissed on the ground that the judgment and decree passed by the court does not suffer from any infirmity or illegality.

2. The correctness of the aforesaid order has been challenged in this revision petition.

3. The proceedings under Section 372 of the 1925 Act are the summary proceedings. In this case, the petitioner impleaded the Bank as well as the General public as defendants. The publication was made in the newspaper inviting objection from the public. However, no objection was received. The copies of various FDRs were produced on the file. The Bank does not dispute the issuance of the various FDRs. In these circumstances, there was only a procedural error, which should not result in defeating the justice. If the court found that some FDRs are not marked or exhibited, the court could have exhibited or marked the same in the review application. Consequently, the impugned order is set aside. The trial court is requested to issue succession certificate with respect to the remaining two FDRs.
4. With these observations, the revision petition is disposed of.
5. All the pending miscellaneous applications, if any, are also disposed of.

21.03.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE