HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3142 of 2025

12 November, 2025

Nisha Rai and another --Petitioners

Versus

Savita and Another --Respondents

Presence:-

Ms. Swaleha Hussain, learned counsel for the petitioners.

Mr. V.K. Kaparuwan, learned Central Government Standing Counsel for the respondent No.2.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition under Article 227 of the Constitution of India, has been filed by the petitioners for a direction to learned Civil Judge (Sr. Div.), Vikasnagar, District Dehradun, to decide and conclude the hearing of Misc. Case No.126 of 2023 *Smt. Nisha Rai and another Vs. Smt. Savita and ors.*, under Section 372 of the Indian Succession Act, for grant of succession certificate in respect of debts and liabilities of Late Surendra Singh, expeditiously within a period of one month or such time fixed by this Court.

2. It is contended by learned counsel for the petitioners that Late Surendra Singh, husband of petitioner No.1-Smt. Nisha Rai and father of petitioner No.2-Master Siddharth Chauhan, had expired during service on 23.08.2021. For getting his service dues and other debts and liabilities, an

application for grant of succession certificate under Section 372 of the Indian Succession Act, was filed by the petitioners in the Court of learned Civil Judge (Sr. Div.), Vikasnagar, District Dehradun, on 03.07.2023, which was registered as Misc. Case No.126 of 2023 *Smt. Nisha Rai and another Vs. Smt. Savita and others.*

3. It is further contended by her that the pleadings have been completed in the said succession certificate, but as yet, the evidence of the petitioners has not been recorded. She wants the above Misc. Case to be expedited.

4. I have perused the record of the case and specially the entire order sheet annexed by the learned counsel for the petitioners in writ petition as Annexure No.8. From perusal of Annexure 8, it is reflected that the matter is being adjourned for no reasons and is pending for the last two years for disposal. The proceedings of grants of succession certificate are summary in nature, and therefore, apparently, delay is occasioned in disposal of the case. Petitioners are widow and son of Late Surendra Singh and their all dues are still unpaid due to non availability of grant of succession certificate.

5. In such view of the matter, this is a fit case where a direction can be issued to learned Civil Judge (Sr. Div.), Vikasnagar, District Dehradun, for expeditious hearing and disposal of Misc. Case No.126 of 2023 *Smt. Nisha Rai and another Vs. Smt. Savita and others.*

6. Accordingly, the present writ petition is allowed. Learned Civil Judge (Sr. Div.), Vikasnagar, District Dehradun, is directed to decide the Misc. Case No.126 of 2023 *Smt. Nisha Rai and another Vs. Smt. Savita and ors.*, expeditiously but not later than six months from the date of production of certified copy of this order. It is also made clear that no unnecessary adjournments shall be given by the learned Trial Court to either of the party.

(**Pankaj Purohit, J**.)
12.11.2025

PN