

(1913) 01 MAD CK 0038
In the Madras High Court

S. Angappa Chettiar and Others

APPELLANT

Vs

Meenakshi Ammal and Another

RESPONDENT

Date of Decision : 16-01-1913

Acts Referred:

Citation : 18 Ind. Cas. 733 : (1913) 24 MLJ 198

Hon'ble Judges : Sundara Aiyar, J;Ralph Benson, J

Bench : Division Bench

Judgement

1. It is contended that in all cases a Court dealing with an application for a succession certificate must hold some inquiry as to a claim by an applicant before it can hold that it raises questions too intricate and difficult for decision in a summary trial. In our opinion, the language of Section 7 of the Act does not support this contention. The pleadings in the case may be quite sufficient to show that the inquiry would be too difficult or intricate. The Court has, no doubt, to satisfy itself that the person to whom it grants the certificate has a prima facie right, and for this purpose, some inquiry might be necessary in many cases, but whereas in this case the rival claimant is the widow of the person for whose assets the certificate is asked, the prima facie right is clear. Sivamma v. Subbamma 17 M.K 477 is relied on for the appellants. That judgment may be perfectly right on the particular facts of the case but if it intended to lay down a hard and fast rule that the inquiry into any question could not be held to be intricate or difficult before it is conducted to some extent, it must, in our opinion, be held to have gone too far.

2. We dismiss the appeal with costs.