

(2018) 06 CHH CK 0201
In the Chhattisgarh High Court
Case No : Civil Revision No. 47 Of 2014

Sukhdev Singh

APPELLANT

Vs

Itwara Bai And Ors

RESPONDENT

Date of Decision : 28-06-2018

Acts Referred:

Code Of Civil Procedure, 1908 — Section 115
Indian Succession Act, 1925 — Section 372, 384

Citation : (2018) 06 CHH CK 0201

Hon'ble Judges : Thottathil B. Radhakrishnan, CJ

Bench : Single Bench

Advocate : Vikas Pandey, Sanjay Patel, Chandradeep Prasad, Vaibhav Shukla

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, CJ

1. This revision under Section 115 of the Code of Civil Procedure, 1908; hereinafter referred to as the 'CPC' is against the judgment of the Appellate Court affirming the issuance of a succession certificate.

2. The first Respondent applied for issuance of succession certificate regarding the movable estate of late Chhatram, who admittedly was her husband. The revision petitioner set up a claim that he is adopted son of the deceased. He, thus, opposed the application for grant of succession certificate. The trial Court ordered grant of succession certificate to the widow of the deceased. The first appellate Court has confirmed it.

3. The learned counsel for the revision petitioner argues that Assistant Labour Commissioner had found that the revision petitioner is the adopted son of late Chhatram. That is not decisive. This is because the Labour Commissioner does not have the authority, power and jurisdiction to decide on any issue as to title to property or enter on adjudication on disputed questions touching matrimonial status, paternity, adoption etc.

4. Within the scope of adjudication of an application under Section 372 of the Indian Succession Act, 1925 and the procedure to be applied in such proceedings and the quality and content of the adjudication of such an application, the Court of first instance was wholly justified in choosing to issue succession certificate in favour of the first Respondent, who is admittedly the surviving widow of deceased - Chhatram.

5. As rightly pointed out by the learned counsel for the first Respondent, if at all the revision petitioner has any further grievance, he may have to take recourse to civil Court's jurisdiction by instituting suit for declaration of title to the property involved in the succession certificate and other attendant issues. This is the principle that emanates out of the statutory provisions, in particular, Section 384 of the Indian Succession Act, 1925.

6. For the aforesaid reasons, the impugned order does not warrant interference on any ground of illegality or error of jurisdiction. No ground exists for interference under Section 115 of the Code of Civil Procedure. This revision petition, therefore, fails.

7. In the result, the revision petition is dismissed.