

## Tamradhwaj Sahu Vs Laxmi Sahu And Ors

**Court:** Chhattisgarh High Court

**Date of Decision:** June 27, 2018

**Acts Referred:** Code Of Civil Procedure, 1908 & Section 115

**Hon'ble Judges:** Thottathil B. Radhakrishnan, CJ

**Bench:** Single Bench

**Advocate:** Shrawan Agrawal, Sudhir Verma

**Final Decision:** Disposed Of

### Judgement

Thottathil B. Radhakrishnan, CJ

1. This is revision petition under Section 115 of the Code of Civil Procedure, 1908; hereinafter referred to as the 'CPC'. Heard the learned counsel for

the revision petitioner and the first respondent.

2. Jamuna Bai died on 09.02.2007. There is the pleading that she had executed a Will on 05.02.2007.

3. An application for issuance of succession certificate was submitted by the revision petitioner. Another application for issuance of succession

certificate was filed by the first respondent. One claims to be the nephew of late Jamuna Bai and other claims to be her adopted daughter. The trial

Court took up one of the applications, though both were pending before it, and ordered it one way. The Appellate Court set aside that order and

remitted that case to the trial Court to be taken up and decided along with the application for succession certificate filed by Laxmi Sahu, which is still

pending.

4. The aforesaid would show that there is no illegality, irregularity or impropriety in the exercise of jurisdiction by the Appellate Court. It had not acted

contrary to the law in making the impugned order of remand. No ground is made out for interference with the impugned order, in exercise of revisional

authority under Section 115 of the CPC. The revision petition, therefore, fails.

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

6. The trial Court is requested to expedite the final disposal of both the applications for issuance of succession certificate. If the trial Court decides to

do so, it would be at liberty to have consolidated adjudication of both the matters. The parties are directed to mark appearance before the trial Court

on 24.07.2018.