

(2018) 06 CHH CK 0174

Chhattisgarh High Court

Case No: Civil Revision No. 123 Of 2016

Tamradhwaj Sahu

APPELLANT

Vs

Laxmi Sahu And Ors

RESPONDENT

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.