



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2321-2022 (O&M)

Date of decision : 18.02.2025

Usha Arora

..... Petitioner

Versus

Chameli Devi (deceased) through legal heirs & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Prateek Gupta, Advocate with
Mr. Vishal Verma, Advocate
for the petitioner.

Mr. Vikram Singh, Advocate for
Mr. Vineet Chaudhary, Advocate
for respondent No.1.

Mr. Rajeev Sharma, Advocate
for respondents No.3 to 7.

Mr. Ramesh Chand Sharma, Advocate
for respondent No.10.

PANKAJ JAIN, J. (ORAL)

1 Instant revision petition is directed against the order dated 04.03.2022 (Annexure P-6) passed by Additional District Judge Ambala exercising powers of the Appellate Authority under the Indian Succession Act, 1925 (for short 'the 1925 Act') whereby order dated 31.05.2013 (Annexure P-4) passed by Civil Judge, Senior Division Ambala exercising powers under the 1925 Act stands reversed and the application filed under Section 372 of the 1925 Act has been ordered to be dismissed.



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2 Counsel for the petitioner at the outset brings to the notice of this Court that the parties are already before Civil Court in a regular suit at Ludhiana wherein the precise WILL is in issue.

3 In view of the law laid down by Supreme Court in the case of *Madhvi Amma Bhawani Amma Vs. Kunjikutty Pillai Meenakshi Pillai, 2000 AIR (Supreme Court) 2301* the proceedings before the succession Court being summary in nature shall not operate as *res-judicata* in subsequent proceedings wherein the rights of the parties are being adjudicated finally.

4 Learned counsel for the petitioner submits that he will be satisfied if the rights of the parties are held to be subject to final adjudication in the regular suit.

5 Learned counsel for the respondents do not dispute that the parties are already before the Civil Court.

6 Keeping in view the admitted proposition of law and the factual position, present revision petition is disposed off observing that findings recorded in the impugned orders shall not affect the rights of the parties in Civil suit.

18.02.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No