

PART – B**SUMMARY OF CIVIL TOPIC**
LAW AND PROVISIONS RELATED TO SUCCESSION
CERTIFICATE AND HEIRSHIP CERTIFICATE.**INTRODUCTION**

1. The provisions of Part-X of the Indian Succession Act, 1925, pertain to grant of succession certificate; whereas provisions of Bombay Regulation VIII of 1827 are applicable to grant of heirship certificate. Civil Manual Chapter XIV provides for detailed procedure for the same.

The object of Bombay Regulation Act, 1827 (hereinafter referred to as the said Act) is to provide for formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of the property by the Courts. In general, it is desirable that heirs, executors or legal administrators of person deceased should, unless their right is disputed, be allowed to assume the management or sue for recovery of property belonging to the estate, without interference of Courts of justice. In some cases, it is necessary or convenient that such heirs, executors or administrators should obtain a certificate of heirship, executor-ship or administrator-ship from the Court.

The legal position with regard to grant of heirship certificate has been made clear by our Hon'ble High Court in the case of **Ganpati Vinayak Awchal V/s. 2014(6) Mh. L. J. 683** as under:-

“The position of law that emerges from the above provisions is that, an heirship certificate does not bestow the status of an heir upon a person. Grant of such a certificate is only a formal recognition of his existing status as an heir. An heir or executor or legal administrator, by his such status, can assume management of the property of the deceased even

without a formal recognition by the Court.”

2. RULES FOR GRANT OF HEIRSHIP CERTIFICATE UNDER BOMBAY REGULATION ACT, VIII 1827.

a) The law relating to grant of heirship certificate in Maharashtra is embodied in Bombay Regulation Act VIII of 1827. Chapter XIV of Civil Manual contains the procedure.

b) An heir is a person who acquires property upon death of ancestor based on rules of descent and distribution. He is one who is born in lawful matrimony and who succeeds by descent and the right of blood relatives to the lands, tenements or hereditary tenements.

c) **A person may obtain heirship certificate in any of the following three situations i.e.:-**

- a) if he so desires,
- b) where his right as an heir is disputed.
- c) in order to give confidence to the persons in possession of or indebted to the estate and to deal with them.
- d) **The scope of inquiry:-**

The scope of such inquiry is limited to ascertain the claim of heirship of the applicant. The court is not required to determine the title of the deceased or the persons claiming heirship certificate to any property. The court is only required to consider, whether the person claiming heirship certificate is the heir of the deceased.

e) **Procedure:-** The person entitled to obtain certificate shall apply to the Court. Then the Court shall issue proclamation in the form contained in Appendix A inviting all persons who dispute right of the applicant to appear in the Court, within one month from the date of proclamation and enter their objections. If no objection or sufficient objection is offered to Court, applicant shall give proof of his right. If satisfactory proof is given, Court will grant a certificate

of heirship, executor-ship or administrator-ship.

f) If before expiration of time the objection is made to the right of applicant, Court will summarily investigate the grounds of objection on one hand and of the right, claim on the other. The Court can examine witnesses or accept other evidence as may be adduced by the parties. The Court may either grant or refuse the certificate. From the evidence adduced, if it appears to the Court that a question at issue between the parties is of a complicated or difficult nature, the proceeding may be suspended until the question has been tried by a regular suit instituted by one of the parties.

g) A note as under should be appended to certificate given under the Act as per provisions contained in para 312 of the Civil Manual;

“The person to whom this certificate is granted or his representative, is required, within six months from the date of this certificate, or within such further time as the Court may from time to time appoint, to exhibit in Court a full and true inventory of all the property and credits in his possession under this certificate, and also within one year from the same date or within such further time as the Court may from time to time appoint, to render to the Court a true account of the said property and credits, showing the assets which have come to his hands and the manner in which they have been applied or disposed of”.

h) An heir, executor or administrator, holding a proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity.

i) Since the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate

shall be annulled by the District Court, upon proof that another person has a preferable right.

j) An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

k) District Judge is empowered to grant a succession certificate as per section 371 of the Indian Succession Act, 1925.

l) Although the Succession Certificate Act, 1889, has been repealed, the Notification dated 25 October, 1890, remains in force by virtue of Section 24 of the General Clauses Act, 1897.

m) Application under Section 2 of Regulation VIII of 1827, can be entertained by Civil Judges directly or when transferred to them by the District Judge. Section 388 of the Indian Succession Act, 1925, deals with investing the powers of District Judge to the subordinate Courts by the State Government.

n) Hon'ble Bombay High Court, in the case of **Anthony Fernandes & Ors. V/s Unknown [1993 (1) Bom. C.R. 580]**, has held that, Bombay Regulation VIII of 1827 was continued as a law in force under Article- 372 of the Constitution of India and the same is not yet repealed expressly or by necessary implication. Section 390 of the Indian Succession Act, 1925 provides that provisions of Indian Succession Act, 1925, listed in the said section shall apply to certificates granted under Bombay Regulation VIII of 1827. Thus, Indian Succession Act, 1925 supplements the law on the subject, and issue of heirship certificates is governed by both the Acts.

3. **LIMITATION** :-

Under Limitation Act no period is prescribed within which a petition for probate or letter of administration or succession certificate must be made after death of a deceased. There is no warrant for assumption that a right to apply envisaged in Article 137 of the Limitation Act necessarily accrues on the date of death of deceased. Such an application is to seek the Court's imprimatur to perform a duty created by a will or for recognition as a testamentary trustee. The right to apply is a continuous right, which is capable of being exercised as long as the object of trust exists or any part of trust remains to be executed.

In **Ganpati Vinayak Achwal 2014 (6) Mh.L.J. 683**, the question before the Hon'ble Bombay High Court was whether Article 137 of Limitation Act is applicable to heirship certificate. Hon'ble High Court held that, Section 137 of the Limitation Act is not applicable to the application seeking heirship certificate. Therefore, the claim to seek heirship certificate is not barred by limitation. Under the Limitation Act, no period is advisedly prescribed within which a petition for probate or letters of administration or succession certificate must be made after the deceased's death.

The law on the point can be summarized thus:-

a) Under the Limitation Act no period is advisedly prescribed within which an application for probate, letters of administration or succession certificate must be made.

b) The assumption that under Art. 137 the right to apply necessarily accrues on the date of the death of the deceased, is unwarranted;

c) Such an application is for the Court's permission to perform a legal duty created by a Will or for recognition as a testamentary trustee and is a continuous right, which can be

exercised any time after the death of the deceased, as long as the right to do so survives and the object of the trust exists or any part of the trust, if created, remains to be executed.

d) The right to apply would accrue when it becomes necessary to apply which may not necessarily be within 3 years from the date of the deceased's death.

e) Delay beyond 3 years after the deceased's death would arouse suspicion and greater the delay, greater would be the suspicion.

f) Such delay must be explained, but cannot be equated with the absolute bar of limitation, and

g) Once execution and attestation are proved, suspicion on account of delay no longer operates.

4. Provisions regarding issuance of heirship certificate and Succession Certificate in Civil Manual:-

As per paras 304 to 315 of Chapter XIV of Civil Manual Civil Judge, Senior Division has been vested with all the powers of "District Judge" to take cognizance in contested proceedings under the Succession Act which may be transferred by the District Judge and Civil Court has no jurisdiction to grant any relief when there is no order of transfer. The Hon'ble High Court has appointed all the Civil Judges to act for the District Judge as delegates to grant letters of administration in non-contentious cases arising within local limits of their jurisdiction.

As per Section 291 of the Indian Succession Act, before granting letters of administration security must be taken. It also provides for appending the note as above to the certificate. These provisions also provide for charging of stamp duty and for supply of

forms and further procedure after appointing an administrator.

In the case of **Olympia Monica D'souza and ors. V/s. Mr. Arun Keshav Joshi (Writ Petition No. 303/2013)**, the Hon'ble High Court has held:-

“It was necessary for the learned Trial Judge to decide the objections raised by the respondents on merits in view of Chapter I, Rule (4) of the Bombay Regulations VIII of 1827. Rule (4) requires the Court before whom the application for heirship certificate is pending to decide the objections raised by any third party thereto and decide the same. The learned Trial Judge, instead of deciding the objections, resorted to para 233 of the Civil Manual for transferring the proceedings from his Court. Thereafter, the District Court has transferred the proceedings to the Court of Civil Judge, Senior Division. The petition is, therefore, allowed and the rule is made absolute in terms of prayer clause (a). The Court of Civil Judge Junior Division, Jalgaon is directed to decide the objections raised by the respondents to the application filed by the petitioners, as required by Chapter I, Rule(4) of the Bombay Regulations VIII of 1827”.

5. **Payment of Court fee:-**

1) As per para 307 of the Civil Manual the stamp duty for certificate issued under the Indian Succession Act, 1925, should be levied on the market value of the properties and not on the face value. Before issuing the certificate, the Judge should ascertain what the market value of the properties is and recover the duty on such value. He should for this purpose insist on a affidavit and make such other enquiry as may be necessary.

2) The question arose whether a person applying in the Court

of law for succession certificate in forma pauperis was required to pay any court fees stamp. Section 141 of the C.P.C. indicates that the procedure provided in this Code in regard to a suit shall be followed as far as it can be made applicable, in the present proceeding in any cause of civil nature. The said question was raised in **Mt. Ehatishammaunnisa And Anr. vs. Mir Hadi Ali And Ors.** **AIR 1935 All 735**, wherein the view was taken that when there is specific provision under Indian Succession Act provisions of C.P.C. under section 141 are not applicable.

3) Their Lordship held that it is not necessary that the Court fee be paid while filing application for succession certificate - complete court fee payable has to be paid after issue of certificate, failing which certificate will become inoperative.

4) Section 379 of the Indian Succession Act 1925 lays down that every application for a certificate or for the extension of a certificate shall be accompanied by a deposit of a sum equal to the fee payable under the Court-fees Act, 1870, in respect of the certificate or extension applied for. Thus, as per this section it is mandatory to deposit the amount. Sub section (2) and Sub section (3) of Section 379 also indicate that in case the certificate is not granted, the entire deposited amount will be refunded or where certificate is granted the required court-fee payable on the certificate will be purchased out of the deposited sum and balance, if any, will be refunded. The said view is taken **Sharmila Das vs. State Of Orissa 1997 II OLR 534**.

5. At the time of issuing succession certificate as well as heirship certificate petitioner is required to pay the Court fees as per Article - 11 and 12 of the Bombay Court Fees Act, 1959.

7. **EXEMPTION OF THE COURT FEES TO THE WOMEN LITIGANTS :**

Regarding the exemption of court fees for woman the Govt. of Maharashtra has issued resolution dtd. 1st October 1994.

Whereas, the Govt. of Maharashtra has recently announced a policy with a view to promote the welfare of the women:

And whereas, the said welfare policy for women, inter alia, provides for exemption of court fees for women litigants in cases relating to maintenance, property right, violence and divorce;

Now, therefore, in exercise of the powers conferred by section 46 of the Bombay Court Fees Act, 1959 (Bom. XXXVI of 1959), the Government of Maharashtra hereby remits the fees payable by women litigants on any of the plaints, applications, petitions, memorandum of appeals or any other documents specified in the First and Second Schedules of the said Act to be filed in any Civil, Family or Criminal Courts in respect of the cases relating to (a) maintenance, (b) property disputes, (c) violence and (d) divorce.

[Explanation - The expression 'property disputes' shall mean property disputes arising out of or concerning matrimonial matters]

6) **PROVISIONS FOR GRANT OF SUCCESSION CERTIFICATE UNDER INDIAN SUCCESSION ACT AND CIVIL MANUAL.**

A succession certificate is the primary document through which the heirs can stake a claim to the assets of a deceased relative, in the absence of will, if there is no survivor amongst the account holder and nomination had been done by the holder(s) earlier. A succession certificate, under the Indian Succession Act, is a document that gives authority to the person who obtains it, to

represent the deceased for the purpose of collecting debts and securities due to him or payable in his name. Heirship certificate under the Bombay Regulation VIII of 1827 lays down provisions for obtaining certificate for recognition of heirship. These procedures establish the authenticity of the heirs and give them the authority to inherit debts, securities and other assets the deceased may have left behind.

1. Indian Succession Act 1925 provides for detailed provisions for grant of succession certificate. Civil Manual Chapter XIV lays down the procedure for granting succession certificate.

2. The succession certificate can be obtained if the deceased person left behind him promissory notes, debentures, stock, securities, shares, securities for money or for grant of bank deposits.

3. The Court in whose jurisdiction, the deceased had ordinarily resided or where any part of the property of deceased was situated, that Court has jurisdiction to grant succession certificate.

4. As per Chapter XIV para No.305 (II) all contested succession certificates shall be given by Civil Judges Senior Division.

5. Uncontested succession certificate up to Rs.5,00,000/- can be granted Civil Judge Junior Division.

6. The application for succession certificate shall contain the time of death of deceased, his place of residence, particulars regarding family members or near relatives of deceased, particulars of right under which the petitioner is claiming succession certificate, particulars regarding absence of any impediment as per Sec. 370 of the said Act and particulars regarding debts and securities.

7. The competent Court on being satisfied, that there is a

ground to entertain the application, shall cause service of special notice to any person, to whom in the opinion of the Court, such notice should be given.

8. The copy of notice shall also be affixed on some conspicuous part of the Court building.

9. Thereafter, the Court shall proceed to hear the application in summary manner.

10. Before granting the succession certificate, the Court shall take security of sufficient amount from the grantee.

11. The succession certificate shall be given on appropriate stamp as per the market value of the property and not as per the fresh value of the property.

12. The ready reckoner maintained in the office of Sub Registrar can be used for the purpose of deciding the correct market value of the property.

13. If after obtaining the succession certificate, other movable properties like shares and debentures are discovered, the grantee is entitled to apply for amended/extended succession certificate.

14. The issued succession certificate shall be valid throughout Indian Territories and it shall be conclusive.

15. The action of grant of succession certificate is not a legal bar like res-judicata for filing a suit for deciding the same point between the parties as per the Sec. 387 of the said Act.

16. If a person willfully and without reasonable cause, obtains a succession certificate, he is bound to return it back to the said Court on the order of said Court. Otherwise, he shall be liable for a fine of Rs.1000/- or imprisonment which may extend to 3 months.

17. The succession or extended succession certificate shall be given in the prescribed form mentioned in Schedule VIII of the Indian Succession Act, 1925.

18. As per Sec. 214 (1)(a) no Court shall pass a decree against a debtor of a deceased person for payment of his **debt** to a person claiming on succession to be entitled to the effect of the deceased person or to any part thereof, without obtaining succession certificate.

19. Debt includes any debt except rent, revenue or profits payable in respect of land used for agricultural purpose.

20. In the case of **Vishnupant Vs. Kailas 2010 (3) Mh.L.J. 259**, it is observed by the Hon'ble Bombay High Court that “Cheque issued by accused to father of complainant, who died and then present complaint is filed by the complainant, only person authorised by succession certificate, letter of administration and probate granted by the Court is competent to file the said complaint u/s. 138 of Negotiable Instruments Act.”

21. In the case of **Pramila Vs. L.I.C.of India 2004(3) Mh.L.J. 609**, it is observed by Hon'ble Bombay High Court that “a suit filed by the wife of insured against LIC towards amount claimed as a successor to the deceased husband, is maintainable, and order of Civil Court holding that the suit is not tenable and the plaintiff should apply for succession certificate under the Succession Act is erroneous and cannot be sustained.”

7) **Difference between Succession Certificate and Heirship Certificate:-**

1. **Governing Act / Regulation.**

Succession certificate is issued under Part X of the Indian Succession Act, 1925

Whereas the Heirship certificate is given under Section 2 of the Bombay Regulation VIII of 1827.

2. Movable or immovable property.

Succession certificate is granted only in case of certain movables viz. Debt and Securities. As against this, Heirship certificate can be granted in respect of movable or immovable property.

3. Authority.

Heirship certificate, at some places, can be granted by the Revenue Officer of the District as well, but the Succession certificate can only be granted by the Court.

4. Right under certificate.

The heirship certificate confers no right to the property, but only indicates that the person to whom certificate is granted is in the legal management thereof. As against this, grant of succession certificate empowers the person to whom it is granted not merely to collect the debts due to the deceased with the interest or dividend on the debts and securities but also to negotiate or transfer them.

5. Who may apply ?

Under section 372 of the Indian Succession act, it is open to any person to apply for the certificate though ordinarily an heir of deceased is expected to apply for the same. Such is not the case in respect of the heirship certificate. Only an heir, executor or administrator desirous to have his right formally recognized, can apply for the certificate.

6. Special Notice.

In case of succession certificate, as per Sec.373 (1)(a), the Court shall cause a special notice of the application to be served on any person to whom, in the opinion of the Judge, it should be given. Whereas, no such special notice is required to be issued in case of heirship certificate and a proclamation is issued in the form contained in Appendix A, inviting

all persons who dispute the right of the applicant to appear in court and enter their objections.

7. Appointment of Administrator.

Under Bombay Regulation Act, 1827, it is mandatory for the Court to appoint an Administrator for the management of estate when the person possessed of property dies intestate and without known heirs. However, under Indian Succession Act, there is no such mandate on court to appoint Administrator of the property.

8. Formal recognition.

The Bombay Regulation Act provides for the formal recognition of heirs, executor and Administrator. When a person dies intestate leaving behind him movable or immovable property, the legal heirs of the said deceased, may apply to the Court to recognize him as an heir of the deceased.

No such recognizance is given to heirs of a deceased while issuing Succession certificate under Indian Succession Act.

9. Suspension of proceedings

The enquiry in proceedings for grant of succession certificate is summary and if the Court can not decide the right to the certificate, without determining questions of law or fact, which seem to it to be too intricate and difficult for determination, the certificate may be granted to the person who appears to have prima face the best title thereto.

In case of heirship certificate, if from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge, may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties.

In the case of **Aloysius Manuel D Suza & Ors. Vs. Mary Kamal William Manuel, 2006 (6) Bom CR 56**, the Hon'ble Bombay High Court held that – Heirship Certificate does not finally determine the

rights of the person in whose favour the certificate has been granted and does not take away the rights of other person to establish his claim in the competent court nor confer any right to the property. If the question at issue between the parties, is of a complicated nature, the judge may suspend proceeding in the application for certificate until the question has been tried by a Regular Suit instituted by one of the parties.

10. Extended certificate.

Under section 376 of the Indian Succession Act, on the application of the holder of a certificate under Part X, extended certificate about the debt or security not originally specified therein may be granted.

There is no such express provision in respect of grant of extended certificate since in heirship certificate, the applicant is only recognized as an heir of deceased.

11. Obtaining security.

In case of succession certificate when there is intricate and difficult question of the applicant's right or if there are more than one applicants claiming the right, title or interest in relation to the estate of the deceased, the court may grant certificate to the person having prima facie title thereto or to the appropriate applicant/s after considering the extent of interest and fitness. While proceeding to grant certificate, as in the above cases or in any other case, the court may direct to furnish a bond with surety/ies or other securities for rendering the account of debt and security received by the said person and also to indemnify the persons who may be entitled to the whole or any part of those debts or securities.

There is no such express provision in respect of the Heirship certificate. As far as heirship certificate is concerned, generally, the recognition is made only of the rights of the person claiming to be an heir of the deceased and hence question of security may not arise in case of formal recognition.

12. Revocation.

Succession certificate may be revoked in following cases :- where the proceedings to obtain the certificate were defective or the certificate is obtained fraudulently / by concealing something material, by untrue allegations or that the certificate has become inoperative, or by the order of the competent court in that respect.

Grant of heirship certificate shall not finally determine nor injure the rights of any person and the certificate shall be annulled by the District Court upon proof that another person has a preferable right.

13. Contents of certificate.

While granting Succession certificate (Sec.374), the court shall specify the debts and securities set forth in the application and thereby empower the person to whom the certificate is granted to receive interest / dividends or / and to negotiate or transfer securities or any of them.

In Heirship certificate it is mentioned that upon making an application for formally recognizing as heir, proclamation having been issued, no objection was offered to the right of the applicant to be recognized as heir (executor, administrator) of the deceased, therefore, certified that the applicant is the recognized heir (executor or administrator) of the said deceased.

14. Form

Succession certificate is granted in the form described in Schedule VIII of Sec.377 of the Act. Whereas, the Heirship certificate is granted as per Appendix B to the Bombay Regulation.

15. Court fees.

For every succession certificate court fee in the form of judicial stamp paper of required amount on the market value of the properties is required to be paid. Whereas, in every heirship certificate no such court fee on market value is required to be paid, especially when there is only a formal recognition of heir.

16. Effect of grant of certificate.

Grant of Succession certificate to a grantee does not give him an absolute right nor it affect the rights / claims of the heirs yet is conclusive as against the persons owing such debts or liable on such securities and shall afford full indemnity to such persons with regard to payments made and dealings had.

Whereas, heirship certificate confers no right to the property, but only indicates the person who for the time being is in the legal management thereof and thus, shall not finally determine nor injure the rights of any person. Holder of the certificate shall be accountable for his acts done in that capacity to all persons having interest in the property, in the same manner as if no certificate had been granted.

17. Liability / responsibility of grantee of certificate.

A succession certificate under the Indian Succession Act is a document that gives authority to a person who obtains it to represent the deceased for the purpose of collecting debts and securities due to him or payable in his name. It establishes the authenticity of the heirs and gives them authority to inherit debts and securities and other assets that the deceased may have left behind.

The person, who is having succession certificate in his hand, is authorized to distribute the assets to the legal heirs as per the succession Laws. He acts as a Trustee. Merely by succession certificate, nobody becomes owner of a property. A succession certificate allows the person to act exactly like a nominee. It gives the authority to holder for distributing the deceased person's assets.

As against this, a grantee of heirship certificate can not act like a nominee. Heirship certificate only recognizes heirs of deceased. An heir, executor or administrator holding the proper certificate may do all acts and grant all deeds competent to a legal heir, executor or administrator and may sue and obtain judgment in any court in that capacity. The

certificate confers no right to the property, but only invites the person, who for the time being is in the legal management thereof.

18. Applicable provisions of Bombay Court Fees Act.

Schedule I of the Bombay Court Fees Act, Articles 10 to 12 deal with the aspect of payment of court fees for Succession Certificate and Heirship Certificate. Extent of liability to pay court fees for Succession Certificate has been provided under Article 11 and a Heirship Certificate under Article 12 of the Bombay Court Fees Act, 1959. As per Article 12, the fee leviable for seeking Heirship Certificate is the same as in the case of Probate (Article 10) on the amount or value of the property in respect of which the certificate is granted.

8) Appeal:-

The provisions of Section **384** of the Indian Succession Act, 1925 pertains to filing of appeals, which reads as under :-

(1) Subject to the other provisions of this Part, an appeal shall lie to the High Court from an order of a District Judge, granting, refusing or revoking a certificate under this Part, and the High Court may, if it thinks fit, by its order on the appeal, declare the person to whom the certificate should be granted and direct the District Judge, on application being made therefor, to grant it accordingly, in supersession of the certificate, if any, already granted.

(2) An appeal under sub-section (1) must be preferred within the time allowed for an appeal under the Code of Civil Procedure, 1908 (5 of 1908).

(3) Subject to the provisions of sub-section (1) and to the provisions as to reference to and revision by the High Court as to review of Judgment of the Code of Civil Procedure, 1908 (5 of 1908), as applied by Section 141 of that Code, an order of a District Judge under this Part shall be final.

In ***Vithal Ramchandra Mali V/s. Smt. Laxmi Ganpati Mali & another***, order of grant of succession certificate u/s. 372 of the Indian Succession Act, 1925 was under challenge. The question to be decided in the appeal was whether appeal u/s. 384 of the said Act of 1925 against the decision of the learned Civil Judge, Senior Division will lie to the High Court or to the District Court. In the said matter Hon'ble Bombay High Court held that, appeals against the judgments and orders will lie to the District Judge irrespective of value of subject matter of application for succession certificate.

In the case of ***Smt. Nola Jonathan Ranbhise V/s. The Union of India*** Hon'ble Bombay High Court, Division Bench has held that, sub sections 2 and 3 of the section 28-A of the Bombay Civil Courts Act, 1869 are inconsistent with and repugnant to section 299 of the Indian Succession Act, 1925 and the same accordingly stand impliedly repealed. It is further held that, every order made by a District Judge under the Indian Succession Act, 1925 or every order made by a Civil Judge invested with the powers of a District Judge or a District Court, as the case may be, under the Indian Succession Act, 1925 in terms of sub-section (1) of section 28A of the Bombay Civil Courts Act, 1869 shall be subject to appeal to the High Court in accordance with the provisions of the Code of Civil Procedure, 1908 applicable to appeals, irrespective of whether the amount or value of the subject matter exceeds or does not exceed ten lakh rupees.

(Mrs. Chitra Hankare)

District Judge-3 & Asstt. Sessions
Judge, Jalgaon.

(Shri A. K. Patani)

District Judge-4 & Asstt. Sessions
Judge, Jalgaon.

(Shri R. J. Katariya)
District Judge-6 & Asstt.
Sessions Judge, Jalgaon.

(Shri K. S. Kulkarni)
Chief Judicial Magistrate,
Jalgaon.

(Smt. Ashwini V. Kasture)
Jt. Civil Judge Sr. Dn., Jalgaon.