

In the court of sub Judge-1,
Sub Divisional Court, Sonapur at Saran
Succession Case No. 02/ 2021²
Jagpati Devi Vs General Publics & others.

Dated :- 23/02/2026.

Pairavi of both sides filed. Toady the instant case is fixed on a petition dated 05/09/2024 filed by O.P. No. 02 namely Rani Sharma seeking review of the order dated 02/07/2024, whereby this Court allowed substitution of Sanjay Kumar in place of deceased applicant Jagpati Devi. It appears from the record that the original applicant, Jagpati Devi, mother of deceased Sanyam Saurabh, had filed the present application under Section 372 of the Indian Succession Act for grant of succession certificate. During the pendency of the proceeding, the applicant Jagpati Devi died. Thereafter, her son Sanjay Kumar filed a petition seeking substitution of his name as legal heir of the deceased applicant. The said substitution petition was allowed by this Court vide order dated 02/07/2024.

Aggrieved by the said order, Opposite Party Rani Sharma has filed the present review petition contending that: Succession certificate proceedings are governed by the Indian Succession Act, 1925, a special statute. That the Act does not provide for substitution of legal heirs and upon death of the applicant, the proceeding abates. That Order XXII Rule 3 of CPC is not applicable to succession proceedings; Therefore, the order allowing substitution suffers from error apparent on the face of record.

Heard and considered learned counsel for both sides and perused the materials available on record. It is not in dispute that the present proceeding is one under Section 372 of the Indian Succession Act, 1925. It is equally settled that a succession certificate proceeding is summary in nature and does not finally determine title.

It is true that the Indian Succession Act does not expressly provide for substitution of parties in case of death of an applicant. It is also correct that Order XXII CPC does not automatically apply to all proceedings unless specifically made applicable.

However, it is equally well settled that:- A succession certificate proceeding is not a personal action strictly confined to the individual applicant and the cause

survives to other legal heirs who are otherwise entitled to seek such certificate. Unless there is an express statutory bar, the Court, in exercise of its inherent powers under Section 151 CPC, may permit continuation of proceedings by a competent legal heir to secure the ends of justice. The review petitioner has failed to demonstrate any error apparent on the face of the record, which is a sine qua non for exercise of review jurisdiction. The contention raised involves re-argument on merits rather than pointing out any patent illegality. Review jurisdiction is limited and cannot be exercised merely because another view is possible. This Court finds that the substitution order does not suffer from any error apparent on the face of record and the right to seek succession certificate survives to the legal heirs.

The review petition filed by Opposite Party Rani Sharma is hereby dismissed. Further proceed in this case in accordance with law. Next date is 27/02/2026.



Sub-Judge-I

Sub Division Court, Sonpur at Saran