

**IN THE COURT OF DR. HAKIKAT DHANDA, SENIOR CIVIL
JUDGE, DHARAMSHALA, DISTRICT KANGRA, H.P.**

Succession Act Case No. : 1/2026
CIS No. : 2/2026
CNR No. : HPKA03-000330-2026
Date of Institution : 09.03.2026
Date of Decision : 29.07.2026

Sandhya Thapa D/o Sh. Tek Bahadur Gharti @ Tek Bahadur Thapa (now deceased), R/o Village Chandmari, P.O. Dharamshala Cantt., Tehsil Dharamshala, District Kangra, H.P.

...Petitioner.

Versus:

1. The General Public.
2. Sh. Vijay Kumar Thapa S/o Sh. Tek Bahadur Gharti @ Tek Bahadur Thapa, R/o House No.38/1, Harnilap Nagar, Phase-2, Baltana, P.O. Baltana, District S.A.S. Nagar, Mohali, Punjab.
3. Sh. Deepak Kumar S/o Sh. Tek Bahadur Gharti @ Tek Bahadur Thapa, R/o Ward No.17, Tapovan Road, Sidhbari, Tehsil Dharamshala, District Kangra, H.P.

...Respondents.

**Application under Section 372 of Indian Succession Act,
1925 for grant of Succession Certificate.**

For the petitioner : Smt. Ranjana Sharma, Ld. Advocate.

Respondent No.1 *ex parte*.

Respondents No.2 and 3 have already admitted the claim of applicant vide their separate statement on record dated 23.06.2026.

ORDER:

By way of present petition, petitioner has sought succession certificate in respect of Army family pension of late Sh. Tek Bahadur Gharti (now deceased), R/o Village Chandmari, P.O. Dharamshala Cantt., Tehsil Dharamshala, District Kangra, H.P.

2. It is averred on behalf of petitioner that she along with respondents No.2 and 3 is legal heir of deceased late Sh. Tek Bahadur Gharti @ Tek Bahadur Thapa. It is further averred that

she is unmarried daughter of her parents, residing at the house of her parents since childhood, who is totally unemployed having no source of income. Respondents No.2 and 3 are her real brothers, who are married and are doing their own works, in order to earn their livelihood. Petitioner's father died on 25.05.1980 and her mother namely late Smt. Jwala Devi also died on 03.05.2026, as per death certificates issued by Sub Registrar, Birth and Deaths, Gram Panchayat Sudhed, District Kangra, H.P. After their death, petitioner has been left to reside all alone without any independent source of income in order to maintain herself. Petitioner as well as respondents No.2 and 3 are the only legal heirs of their deceased father. Respondents No.2 and 3 were serving in Indian Army and now getting pension. After the death of father of petitioner as well as respondents No.2 and 3, no one is getting family pension as their mother had also died earlier. Petitioner being one of the legal heir, besides respondents No.2 and 3 is fully entitled to receive family pension. Respondents No.2 and 3 have given in writing by way of sworn affidavits that they have no objection in case family pension is sanctioned and given to the petitioner by the Military Authorities. With this version, petitioner has prayed for grant of succession certificate in her favour in respect of Military family pension of his father Sh. Tek Bahadur Gharti.

3. Notice of petition was issued to respondents. None appeared on behalf of respondent No.1 *i.e.* general public despite due service which was proceeded against *ex parte* vide order dated 23.06.2026. Respondents No.2 and 3 appeared before the Court and admitted the claim of petitioner vide separate statement on record dated 23.06.2026 made through their counsel.

4. From the pleadings of the parties, following points arose for determination before this Court:-

1. Whether the petitioner is entitled for the grant of succession certificate in her favour, in respect of Military family pension of late Sh. Tek Bahadur Gharti, as prayed for? OPP.
2. Relief.

5. I have heard learned counsel for the petitioner and gone through the record of the case carefully. For the reasons to be recorded hereinafter, my findings on the aforementioned points are as under:-

Issue no. 1 : Yes.
Relief : Petition is allowed as per operative part of judgment.

REASONS FOR FINDINGS

POINT NO.1:

6. In support of her case, petitioner has examined herself as AW1. In her statement made before the court, petitioner has reiterated the version made in the petition by deposing that she is unmarried daughter of late Sh. Tek Bahadur Gharti and her mother Smt. Jwala Devi had predeceased her father. It is further deposed that respondents No.2 and 3 are real brothers of petitioner who have given no objection by way of affidavits qua grant of family pension in favour of petitioner. In addition to this, petitioner has also proved on record documents Ex.P1 to Ex.P11. Documents Ex.P1 and Ex.P2 are copies of death certificates of Sh. Tek Bahadur Thapa and his wife Smt. Jwala Devi. Ex.P3 is copy of discharge slip of Sh. Tek Bahadur Thapa. As per document Ex.P4 being legal heirs certificate, petitioner along with respondents No.2 and 3 is legal heir of deceased Sh. Tek Bahadur Thapa. Documents Ex.P5 to Ex.P9 are copies of birth certificate, bonafide certificate, Aadhaar card, voter ID card and PAN card of petitioner. Documents Ex.P10 and Ex.P11 are original affidavits executed by respondents No.2 and 3 to the effect that they have no objection for grant of family pension of deceased Sh. Tek Bahadur Gharti in favour of petitioner.

7. Perusal of record reveals that the version of petitioner that she is legal representative of deceased Sh. Tek Bahadur Gharti @ Tek Bahadur Thapa and thus entitled to his Military family pension, is duly corroborated by petitioner by herself appearing into witness box as PW1 and the same also stands corroborated from copy of legal heirs certificate Ex.P4, copy of death certificate of Smt. Jwala Devi Ex.P2 and affidavits Ex.P10 and Ex.P11. No other objection against issuance of succession certificate in favour of petitioner has been received from any quarter. Moreover, none has appeared on behalf of respondent No.1 i.e. General Public to rebut the claim of petitioner. Hence, it can be held that petitioner has proved her case beyond preponderance of probabilities. Accordingly, point No.1 is answered in affirmative.

Relief:

8. On the basis of observations while deciding point No.1 above, present petition is allowed and succession certificate is hereby ordered to be issued in favour of petitioner in respect of Military family pension of Sh. Tek Bahadur Gharti (now deceased), R/o Village Chandmari, P.O. Dharamshala Cantt., Tehsil Dharamshala, District Kangra, H.P., subject to depositing the necessary stamp papers and furnishing of bond by petitioner with one surety for rendering an account to debts and securities received by the petitioner for indemnity of the person who may be entitled to whole or any part of those securities and debts. File after due completion be consigned to the record room.

Announced and signed in the Open Court on this **29th day of July, 2026.**

(Dr. Hakikat Dhanda)
Senior Civil Judge,
Dharamshala.

/suman/

List of Witnesses

Sr. No.	Name of witness	Whether witness of Petitioner or respondent.
PW1	Sandhya Thapa	Petitioner’s witness

List of Exhibits.

Sr.No.	Date of Exhibit	Description of Exhibit
Ex.PW1/A	28.07.2026	Proof affidavit
Ex.P1	-do-	Death certificate of father of petitioner.
Ex.P2	-do-	Death certificate of mother of petitioner.
Ex.P3	-do-	Discharge book
Ex.P4	-do-	Legal Heirs certificate
Ex.P5	-do-	Birth certificate of petitioner
Ex.P6	-do-	Bonafide certificate of petitioner
Ex.P7	-do-	Aadhar card of petitioner
Ex.P8	-do-	Voter card of petitioner
Ex.P9	-do-	PAN card of petitioner
Ex.P10 & 11	-do-	Affidavits
Mark-A	-do-	Unemployed certificate
Mark-B	-do-	Unmarried certificate

(Dr. Hakikat Dhanda)
Senior Civil Judge,
Dharamshala.