

MHYA020003602022



Presented on : 14/02/2022
Registered on : 14/02/2022
Decided on : 31/07/2026
Duration : YY MM DD
04 05 15

IN THE COURT OF 5th JOINT CIVIL JUDGE
SENIOR DIVISION YAVATMAL.
(Presided over by : Z. Z. Khan)

Succession NO. 06/2022.

Exhibit No. /A.

Rameshchandra Ramvilas Pandey,
R/o. Bijulipur, near Shiv Mandir,
Tal. Bansdih, Paraganna-Kharid,
Distt. Ballia (U.P.)

.... Applicant.

Versus

Sunil Arjunkumar Pandey,
R/o. 110, Darwha Road, Palaswadi
Police Line, Yavatmal, Tq.Dist.Yavatmal.

.... Non-applicant.

Claim : Application U/sec.383 of Indian Succession Act, 1925 for revocation and cancellation of succession certificate obtained by non applicant from this Court on 23.11.2021.

Appearances :

Shri. S.S. Paraskar for the applicant.
Shri.N.B.Mahure for respondent.

:: JUDGMENT ::

(Delivered on this day of 31st July, 2026)

Through this application by virtue of section 383 of Indian Succession Act, 1925, the applicant Rameshchandra Pandey has prayed for revocation and cancellation of heirship certificate issued in favour of respondent Sunil Arjun Pandey vide order dated 23.11.2021 in M.J.C.No.39/2021.

02. It is the claim of applicant that, the respondent Sunil Arjun Pandey fraudulently has shown himself son of Virendra Ramvilas Pandey and thereby obtained heirship certificate of deceased Virendra Pandey. It is the case of applicant that his father Ramvilas Pandey has had three sons namely Ramesh Ramvilas Pandey i.e. the applicant himself, Virendra Ramvilas Pandey, the deceased whose property is in issue and Arjun Ramvilas Pandey the alleged father of the non applicant Sunil Arjun Pandey.

03. Applicant Ramesh further avers that his brother Virendra Ramvilas Pandey died on 20.12.2020 leaving behind his widow Saroj Virendra Pandey. That the Virendra and Saroj did not have any issue from their wedlock nor they have adopted any child. That after the death of Virendra Pandey, the non applicant has

fraudulently obtained succession certificate as the son of Virendra and Saroj Pandey.

04. Applicant further specified his grievance that in fact the deceased Virendra Pandey died issue-less leaving behind his widow Saroj Virendra Pandey only who had executed will in favour of applicant Ramesh Pandey bequeathing all the money and properties succeeded by her from Virendra Pandey. However, after the death of Virendra Pandey, the non applicant Sunil had fraudulently obtained succession certificate which was challenged by Saroj Pandey the widow of Virendra Pandey but she died in 2021 during the pendency of said suit before The Civil Judge at District Ballia (U.P.).

05. *Per contra*, the non-applicant appeared in response of summons and strongly retaliated the claim of applicant by filing his written statement at Exh.17. It is the reprisal of non applicant Sunil that in order to abstract money from the non-applicant and to settle his personal vendetta the applicant has filed this application.

06. It is the claim of non-applicant that he is the biological son of deceased Virendra Ramvilas Pandey. He is begotten from the wedlock between deceased Virendra and Saroj and therefore, after

their death he has obtained the succession certificate after due enquiry and with valid lawful process of the Court. Resultantly, the non applicant has prayed for rejection of the claim of the applicant with costs.

07. Having been infiltrated with rival claims and having heard the rival submissions following points arise for my determination to which I record my findings against each of them for the reasons enumerated below;

<u>Sr. No</u>	<u>Points</u>	<u>Findings</u>
01.	Does applicant prove that non applicant Sunil has obtained succession certificate from this Court by playing fraud on the Court ?	 No.
02.	Whether the certificate issued by this Court in favour of non applicant Sunil deserves to be revoked or cancelled?	 No.
03.	What order ?	... As per final order.

:: REASONS ::

08. In order to substantiate his claim, the applicant Rameshchandra Ramvilas Pandey has examined himself at Exh.23. In support of his ocular version, applicant relied upon the order of learned Tahsildar, District Ballia (U.P.) dated 06.10.2025 at Exh.29. His affidavit tendered before Ld.Tahsildar District Ballia (U.P.) at Exh.30, his Aadhaar Card at Exh.31, his family card issued by Tahsildar Ballia at Exh.32, his application filed before Ld.Civil Judge (Jr.Dn.), Ballia (UP) bearing no.1363/2021 at Exh.33. Leading supra evidences, applicant has closed his side by filing pursis at Exh.34.

09. On the other hand, the non applicant Sunil Kumar Pandey has examined himself at Exh.37 during his chief-examination he relied upon heirship certificate in issue at Exh.39, his Aadhaar Card at Exh.40, Election Card at Exh.41, Ration Card of deceased Virendra Pandey issued by Administration of District Ballia (UP) and also issued at Yavatmal at Exh.42 and 43. He also filed his marriage invitation card at Exh.44, his family certificate issued by Ld.Tahsildar Ballia (UP) at Exh.45. In support of his own version, non applicant also has examined his witness Smt.Aarti Mourya the Head Master of Hindi Prathamik Vidyalaya, Yavatmal who proved the birth certificate of non applicant Sunil at Exh.53. Application for his admission in the school at Exh.54 and bonafide certificate at Exh.56.

As to issue No.1 & 2:-

10. As both issues are hinge upon the same pivotal and are inversely proportional to each other, hence in order to avoid blending of facts they are clubbed together for discussion.

11. It is worth to mention that the applicant failed to cross-examine both the witnesses adduced by non applicant. Resultantly, the version of non applicant gone unchallenged. As stated earlier that it is the claim of applicant that the non applicant Sunil is not the son of deceased Virendra Pandey but he is the son of the brother of Virendra Pandey namely Arjun Ramvilas Pandey.

12. In order to establish the asserted facts by the applicant Ramesh there is nothing in his pan except his bare version and an affidavit tendered before the Ld.Tahsildar Ballia(UP). On the other hand, against the sole testimony of the applicant the non applicant has proved his birth certificate, Ration Card of deceased Virendra Pandey issued at both the places i.e. at Yavatmal and District Ballia (UP). That, the non-applicant has also examined the Headmaster of Hindi Prathamik Vidyalaya Yavatmal who proved the birth certificate and bonafide certificate of the non applicant Sunil.

13. Against the sole and bare testimony of the applicant the non applicant has adduced plenty of evidences like birth certificate, ration card and school certificates. Demonstrating himself to be the son of deceased Virendra Pandey. It is worth to

note that all evidences adduced by non applicant have not been challenged through cross-examination by applicant.

14. Indeed, the evidences adduced by the non-applicant are loud enough to avow that the non applicant is the son of deceased Virendra Ramvilas Pandey and Saroj Virendra Pandey. Concomitantly, the version of applicant Ramesh that non applicant Sunil is the son of Arjun Pandey and he has fraudulently obtained the Succession Certificate from this Court failed. The bare words of the applicant against the ample evidence of non-applicant as to his paternity fall short to confute and concur his version. Therefore, the claim of applicant and his bare words cannot be accepted as gospel truth. Hence, I answers both the points in negative and in answer to point no.3 I reckon to pass following order.

:: ORDER ::

01. The application stand dismissed with costs.

Place : Yavatmal.
Date : 31/07/2026.

(Z. Z. Khan)
5th Jt. Civil Judge (Senior Division),
Yavatmal.