

COURT OF PRINCIPAL DISTRICT JUDGE, KULGAM
CNR No: JKKGO20001292022

Name of the Applicant:

Meema Akhter
D/O Ali Mohammad Mir
W/O Sabzar Ahmad Beigh
R/O Mohipora
Tehsil and District Kulgam.

Through : Mr. Raja Rameez, advocate

Versus

Name of Non-applicants:

Naseema Akhter
D/O Ali Mohamad Mir
W/O Ab. Rashid Ganie
R/O Mohipora
Tehsil and District Kulgam.

Through : Mr. Intikhab Alam, advocate

In the matter of: Application under Order XXI of CPC
seeking recall of Succession Certificate
issued by this court in terms of
Judgment dated 09.03.2022 in case titled
Naeema Akhter Vs. Meema Akhter.

CORAM Mohammad Ashraf Bhat

ORDER

1. The instant application has been filed by the applicant through her counsel seeking recall of Succession Certificate issued by this court vide Judgment dated 09.03.2022 in case titled Naseema Akhter Vs. Meema Akhter on the grounds that the non-applicant has got succession certificate in her favour claiming herself to be the only legal heir of their father namely Late Ali Mohammad Mir S/O Khazir Mohammad Mir R/O Mohipora Tehsil and District Kulgam, as such she has suppressed and concealed the material fact before this court only in order to grab the whole moveable and immoveable property of the deceased father of the parties. A prayer has been made that the Succession Certificate issued by this

court vide Judgment dated 09.03.2022 in above titled case may be recalled and a fresh succession certificate may be issued in favour of both the parties as both the parties are undisputedly legal heirs of the deceased father namely Late Ali Mohammad Mir S/O Khazir Mohammad Mir R/O Mohipora Tehsil and District Kulgam.

2. Notice was issued to the other side for causing appearance. Mr. Intikhab Alam, Advocate appeared on behalf of the non-applicant and stated that the application filed by the applicant is not maintainable under law for the reasons that instead of seeking revocation of Succession Certificate under the provisions of Indian Succession Act, the applicant has filed the application in terms of Order XXI of CPC.
3. Taking into account the application averments and the law governing the field the application at hand is not maintainable under law as such the same is dismissed. Ld. counsel for the applicant is directed to seek remedy under the relevant provision of law under Indian succession Act.
4. Application along with application for grant of ad-interim relief is disposed of. Be consigned to records after due compilation.

Announced
20.12.2022
“A.R/PA”

Principal District Judge
Kulgam