

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7374/2012

CHANDRA SHEKHAR (D) THR. LRS.

APPELLANT(s)

VERSUS

SANTOSH SURANA & ANR.

RESPONDENT(s)

O R D E R

We have heard learned counsel for the appellant(s) and learned counsel for the respondents.

Suit No.272/1995 filed by the appellant(s) herein before the Court of the Additional District Judge, Delhi seeking declaration against the defendants is wholly a misconceived suit. We say so for three reasons:

firstly, because the appellant(s) herein had no right, title or interest in respect of the subject matter of the suit inasmuch as the subject matter of the suit belonged originally to the mother-in-law of the appellant(s), namely, Smt. Sukh Devi and, therefore, the appellant(s) herein who is the son-in-law could not have succeeded to the estate of his mother-in-law in the absence of any testament made in his favour;

secondly, the suit was not filed by the appellant's wife who could have succeeded to the estate of her deceased mother either by way of an intestate succession or a testamentary succession; and

thirdly, the suit has been filed against two strangers inasmuch as they were the complainants as against the appellant(s) herein in criminal complaint in FIR No.300/1976. Merely because the appellant was acquitted in the criminal proceedings following the FIR No.300/1976 would not give him *locus standi* to file the suit against the respondent-complainant(s).

This is also evident on a reading of Annexure "P-1" dated 31.10.1969, which is a certificate issued under the Indian Succession Act, 1925.

In the circumstances, we reiterate that the suit filed by the appellant(s) was wholly misconceived and the suit was rightly dismissed by the learned Additional District Judge, Delhi which judgment has been confirmed by the High Court in RFA No.164/1997 by judgment dated 13.12.2010. There being no merit in this Civil Appeal, the same shall stand dismissed.

The parties to bear their respective costs.

Pending application(s), if any, shall stand disposed of.

....., J.
(B.V. NAGARATHNA)

....., J.
(R. MAHADEVAN)

NEW DELHI;
SEPTEMBER 11, 2025

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Date : 11-09-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) Mr. Rana Ranjit Singh, AOR
Mr. Vivek Kumar Singh, Adv.
Mr. Ravish Singh, Adv.
Mrs. Akanksha Singh, Adv.
Mrs. Sweta Singh, Adv.
Mr. Aditya Shekhar, Adv.
Mr. Rajesh Garg, Adv.
Mr. Aniket Rajput, Adv.
Ms. Saiyam Maan, Adv.
Ms. Parul Kanonjiya, Adv.

For Respondent(s) Mr. Abhijeet Chatterjee, Adv.
Mr. Subodh Kr. Pathak, Adv.
Mr. Pawan Kumar Sharma, Adv.
Ms. Arunima Chatterjee, Adv.
Mr. Dharmendra Kumar Sinha, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal stands dismissed in terms of the
signed order which is placed on the file.

Pending application(s), if any, shall stand disposed
of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS
Revised for change in cause title only

(DIVYA BABBAR)
COURT MASTER (NSH)

S U P R E M E C O U R T O F I N D I A
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Appellant(s)

VERSUS

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