

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

MA 4/2014(O&M)

Rajni Pagotra And Ors.

...Appellant(s)

Through :- Ms. Monika Kohli, Advocate

V/s

Jaimal Dass And Ors.

...Respondent(s)

Through :- Mr. Ved Bhushan Gupta, Advocate

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE**

**ORDER**

01. Present appeal has been filed against the judgment dated 23.01.2011 whereby an application for issuance of Succession Certificate was decided. The dispute was pertaining to the estate of late Radhey Shyam. The learned Court below while deciding the application directed as follows:

“ Hence keeping in view the above facts the judgment dated 19.08.10 in file no. 4/Succession an amount of Rs. 250000/- lying in the office of the Commissioner, Commercial Taxes Jammu along with interest shall now be divided in equal share between the respondents/petitioners No.1 to 4 and petitioner no. 2. Romel Devi W/o Jaimal Dass. The share of the respondents/petitioner 2 to 4 shall be deposited in some nationalized bank in fixed deposit till they attain the age of majority. Petitioner no.2 is also entitled to the share from the pensionary benefits of deceased Radhey Sham. The stay granted in application Misc. file No. 6/SC is

vacated with the direction that a fresh Succession certificate may be granted to the respondents 1 to 4 and petitioner no. 2.”

02. Learned counsel for the appellants submitted that the dispute sought to be raised by the appellants is that petitioner no.2, namely, Romel Devi, was held entitled to share from the pensionary benefits of the deceased Radhey Shyam.

03. Learned counsel for the respondents fairly submitted that he does not dispute the fact that Romel Devi will not be entitled to share from the pensionary benefits of deceased Radhey Shyam.

04. Considering the aforesaid fair stand taken by the learned counsel for the parties, present appeal is disposed of with modification in the impugned judgment of the learned Court below to the extent that Romel Devi will not be entitled to share from the pensionary benefits of the deceased Radhey Shyam. Rest of the directions issued by the learned Court below will stand as such.

05. In view of the settlement of the dispute pertaining to inheritance of the estate left by the deceased Radhey Shyam, the parties shall now be entitled to seek the benefits coming out to their share from the respective authorities.

06. The appeal is disposed of accordingly.

**(RAJESH BINDAL)**  
**JUDGE**

Jammu  
31.07.2019  
Sunita

Whether the order is speaking?	:	Yes
Whether the order is reportable?	:	Yes/No