

In Re: Smt. Vimla Chouhan

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SooperKanoon Citation : sooperkanoon.com/752545

Court : Rajasthan

Decided On : Feb-26-1981

Reported in : AIR1981Raj169

Judge : M.C. Jain, J.

Acts : [Succession Act, 1925](#) - Sections 376

Appeal No. : Civil Revn. No. 466 of 1980

Appellant : In Re: Smt. Vimla Chouhan

Advocate for Pet/Ap. : I.C. Maloo, Adv.

Disposition : Revision allowed

Judgement :
ORDER

M.C. Jain, J.

1. Heard learned counsel for the petitioner and perused the impugned order.
2. The petitioner was granted Succession Certificate with respect to certain debts and securities on Nov. 27, 1979, though the order was passed on April 30, 1979. In the Succession Certificate, State Insurance money was shown as Rs. 4.000/- and amount of gratuity to the tune of Rs. 3,500/- was shown to be due from

Inspector of Schools, Nagour. Subsequently it transpired that in fact the insurance money payable is Rs. 8,991.15 p. and further it was found that the amount of gratuity has been transferred to the Deputy Inspector of Girls School, Nagour,

3. The petitioner submitted an application for extension of the certificate in respect of insurance money and for correction of the name of the debtor in respect to the gratuity amount which stood transferred to the Deputy Inspector of Girls School. The learned District Judge rejected this application stating that in the original application there is no mention of the amount and further the learned Judge stated that as the original application has been disposed of, so after disposal of the same, amendment cannot be effected. In my opinion, the view taken by the learned Judge does not appear to be correct. Section 376 of the Indian Succession Act contemplates that the certificate can be extended in respect of any debt or security not originally specified therein and if such extension is ordered, it shall have the same effect as if the debt or security to which the certificate is extended had been originally specified therein. With regard to the amount of insurance money it may be stated that the petitioner seeks extension by way of increase of the amount of insurance money. No additional debt is sought to be added but additional amount is sought to be added in the insurance money, so it amounts to a case of extension of certificate. As regards the correction of the name of debtor I am also of the opinion that in the circumstances of the case, it can be corrected. The correction is only to this effect that instead of Inspector of School, the name be shown as Deputy Inspector of Girls School. Counsel for the petitioner has produced the letter which shows that the gratuity amount stands transferred to the Deputy Inspector of School, Nagour. This amendment or correction could have been made by the learned District Judge, in the succession certificate issued by him.

4. Thus in the above view of the matter, the revision petition is allowed and the learned District Judge is directed to effect necessary extension of and amendment in the succession certificate.