

F.A.O. No. 2346 of 2010.

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: March 03, 2011.

F.A.O. No. 2346 of 2010.

Sat Dev

....Appellant

Versus

General Public

..Respondents

CORAM: **HON'BLE MR. JUSTICE MOHINDER PAL.**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not.
3. Whether the judgment should be reported in the Digest?

Present: Mr. S.K. Hooda, Advocate,
for the appellant.

None for the respondent.

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MOHINDER PAL, J.

Sat Dev is appellant here. Phul Singh, father of the appellant, had purchased 50 equity shares of Rs.10/- per share of D.L.F Universal Limited, having its Registered Office at Model Town, Faridabad (Haryana), bearing Regd. Folio No.A-3978, Certificate No.07677 and Distinctive Nos. 985691-985740 in his name i.e Phul Singh, father of the appellant. Phul Singh expired on 29.3.1986. After the death of his father, the appellant applied for the transfer of the

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said shares in his name being the only son and legal heir of Phul Singh. However, the appellant was required to furnish Succession Certificate by the concern from whom the father of the appellant had purchased the said shares. Accordingly, the appellant applied for succession certificate before the trial Court. The trial Court, vide judgment dated 2.4.2010, declined to issue the Succession Certificate to the appellant in respect of the above mentioned shares only on the ground that the appellant did not examine any person from the concern from whom the father of the appellant had purchased the aforesaid shares. Hence this appeal by the appellant.

After hearing the learned counsel for the appellant and going through the records of the trial Court, which were requisitioned by this Court as per order dated 30.11.2010, I am of the considered view that the trial Court ought to have granted a Succession Certificate in favour of the appellant in respect of the above-mentioned equity shares as the authenticity of the said shares was to be ascertained only by the concern from whom the father of the appellant had purchased the shares and the trial Court was only required to ascertain regarding the inheritance of the appellant, which he had proved on record. Accordingly, this appeal is allowed, the impugned judgment rendered by the trial Court insofar as it declines succession certificate to the appellant in respect of the aforesaid equity shares purchased by the father of the appellant is set aside and the trial Court is directed to issue the said certificate to the appellant regarding the aforesaid equity shares.

Dated: March 03 , 2011.
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(MOHINDER PAL)
JUDGE