IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 606 of 2018

Bindeshwar Hembram @ Bideshwar Hembram, aged about 50 years, son of Charan Hembram, resident of Village- Parsoti, P. Raghunathpur P.S. Poraiyahat, District Godda).

..... … Appellant

Versus

1. Putul Soren, daughter of Sonamuni Murmu, resident of Village Litti, P.O. Rajabhitha, P.S. Rajabhitha, Sub Division Mahagama District Godda.

2. Talamai Murmu, daughter of Lala Murmu,

3. Sanjhali Murmu (Natural mother of claimant/Respondent No.1) daughter of Lala Murmu.

Respondent Nos. 2 and 3 both are resident of village Litti, P.O. Rajabhitha, P.S. Rajabhitha, Sub Division Mahagama, District Godda.

..... … Respondents

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mr. Purnendu Kumar Jha, Advocate.

05/ 05.10.2026 This appeal has been preferred under Section 384 of the Indian Succession Act, 1925 against the judgment dated 07.08.2018, passed in Succession Certificate No. 09 of 2016 by the learned Principal District Judge, Godda, whereby the succession petition filed by the respondent No. 1 has been allowed and a succession certificate with regard to amount of Rs. 8617/- lying in SBI Pathargama Branch, Godda has been issued in favour of respondent No. 1.

2. Mr. Purnendu Kumar Jha, learned counsel appearing for the appellant submits that Succession petition was instituted under Section

372 Indian Succession Act by the respondent No. 1 herein for a succession certificate with regard to amount Rs. 8617/- lying in saving bank account No. 11898151853 S.B.I Patargama Branch, Godda, for which, deceased had not made any person as nominee before the bank. He next submits that the claimant-respondent No. 1 Putul Soren claims to be adopted daughter of Sona Muni Murmu. He further submits that Late Lala Murmu had three daughters namely Late Sona Muni Murmu, Talamai Murmu and Sanjhali Murmu. Talamai Murmu was unmarried. Sona Muni Murmu married to Nasib Soren and they subsequently separated by a customary divorce process. He submits that respondent No. 1 has stated that she was born out of Nasib Soren and Sanjhali Murmu. He next submits that she was adopted by Late Sona Muni Murmu, her mother's sister and continued to live with Sona Muni Murmu since the year 2000. He then submits that Late Sona Muni Murmu had married Bindeshwari Hembram but they were having no issue for which Bindeshwari Hembram was arrayed as respondent No. 3 and divorced her as per Santhal Customary Law and he was living separately. He further submits that the respondent No. 1 has claimed that she was adopted by Sona Muni Hembram as per Santhali custom and in lieu of the adoption, an affidavit was filed.

3. Learned counsel appearing for the appellant submits that the learned court has wrongly passed the order and he has not considered that the respondent No. 1 was not entitled for the said succession certificate. According to him, adopted daughter is not entitled for the same and in view of that the learned court has committed error in allowing the said case and as such, the impugned judgment may be set aside and this appeal may kindly be allowed.

4. It transpires that the learned court has found that the respondent Nos. 1 and 2, who are sisters of Sona Mani Murmu and appeared before the learned court and supported the case of the claimant/respondent No. 1. The appellant herein has appeared before the learned court claiming himself as husband of said Sona Muni Murmu and made a claim upon the said amount.

5. Learned court has examined and discussed the evidences of witnesses, who have supported the case of respondent No. 1. C.W-5 was Putul Soren, who is the adopted daughter of Sona Mani Murmu and she has filed the succession certificate case. She has stated that after the death of Sona Muni Murmu, she has received Rs. 9,35,967/- from the Health Department, as the death benefit of her mother. It further transpires that Exhibit-A is the notice issued by the Health Department to her to prove herself as successor of Sona Muni Murmu by the said Exhibit-A. Exhibit-B is another notice dated 04.09.2012, issued by the In-charge, Medical Officer to the claimant and respondent No. 3. She has admitted that an amount of Rs. 9,35,967/- was drawn by her before the receipt of notices, which were marked Exhibits-A and B. In the cross-examination, the appellant herein has admitted that he has not gone in the last rites of his wife Sona Muni Murmu. The learned court has found that the relationship between the appellant and his wife Late Sona Muni Murmu was not good and he has also denied the adoption of respondent No. 1 by Sona Muni Murmu. In the aforesaid background, the succession certificate case was allowed in favour of respondent No. 1 with regard to the amount of Rs. 8617/- lying in SBI Pathargama Branch, Godda by the learned court.

6. In view of the above discussion and analysis, the court finds

that the learned court has given the cogent reason of allowing the said succession certificate case in favour of respondent No. 1. There is no illegality in the impugned judgment, as such, this appeal is dismissed.

7. Let the Trial Court Records be sent back to the learned concerned court forthwith.

(Sanjay Kumar Dwivedi, J.)

Dated:-05.10.2026
Amitesh/-