

SUPREME COURT OF INDIA

Rukhsana (Smt)

Vs.

Nazrunnisa (Smt)

(K.T. Thomas and M.B. Shah JJ.)

17.01.2000

ORDER

K.T. THOMAS, J.

1. Leave granted.

2. An amount of Rs. 18,83,385/- has been sanctioned as compensation on account of death of one Mohd. Jalaluddin, who was employed in Kuwait. His widow Smt. Rukhsana and some others filed an application for disbursement of the said amount. The mother of late Mohd. Jalaluddin has also made a claim for a portion of the said amount. Now, the High Court has directed them to produce a Succession Certificate and observed that on production of such Certificate, the court before which the claims were, will determine the shares payable to each of the claimants.

3. We cannot approve the said view of the High Court, for, Succession Certificate as envisaged in the Indian Succession Act can be granted only in respect of "debts" or "securities" to which a deceased was entitled. The amount involved in this case was not a debt or security to which the deceased was entitled. This was a compensation sanctioned on amount of the death of the deceased and is, therefore, not an asset belonging to the deceased but an amount which the legal representatives of the deceased can claim on their own account. The civil court will only decide as to who are the legal representatives and in what shares they are entitled to as per the Personal Law applicable to them. The Parties will move appropriate application before the court concerned for expediting the procedure regarding disbursement of the amount. With these observations we set aside the impugned order.

4. These appeals are accordingly disposed of. No costs.