

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 1612 OF 2015

Ramchandra @ Chandrabhan Uma
Jadhav & others ... Petitioners

Versus

Madhukar s/o Ratan Jadhav
& others ... Respondents

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Mr. Rahul A. Tambe , Advocate for petitioners
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 23rd FEBRUARY , 2015

PER COURT :

1. The petitioners are aggrieved by the impugned order dated 25-11-2014 whereby the Trial Court has disallowed the request of the petitioners to be added as respondents in heirship enquiry application No. 22 of 2013.

2. The petitioners contend that the respondents herein had earlier tried to grab the land property of the petitioners which was with the Maharashtra State Farming Corporation Limited. A document indicating the ancestors of the petitioners is pointed out as being part of a basic record of 1975 of the Maharashtra State Farming Corporation Limited.

3. A similar document titled as 'Bhadepatta' dated 10-06-1966 is also pointed out to indicate that the land mentioned by the respondents in their heirship application in paragraph No. 8, does not belong to them and the petitioners have a right, title and interest in the said property.

4. The petitioners further contend that since the Maharashtra State Farming Corporation Limited declined to entertain the claim of the respondents, they moved the heirship application No. 22 of 2013 so as to indirectly obtain the rights over the property which they directly could not have obtained. It is, therefore, submitted that the petitioners should have been allowed to be added as respondents in the heirship proceedings.

5. I have heard the learned Advocate for the petitioners who has taken me through the petition paper book and the impugned order dated 25-11-2014. It is not in dispute that the pending proceedings are as regards obtaining an heirship certificate in relation to a deceased person. The said proceedings are not for succession and for obtaining succession certificate for the alleged properties of the deceased.

6. The Trial Court has rightly concluded that the main application was under the Bombay Regulation No. VIII of 1827 and the object of which was only to give a formal recognition to the heirs of the deceased and that no question of title over any property was being adjudicated upon. It was not a proceeding for considering the title of the litigating sides over the properties of the deceased. Observations of the Trial Court are, therefore, in tune with law. Needless to state, if the respondents attempt to grab any property which alleged by belongs to the petitioners, they are not surely rendered remedy-less in such proceedings.

7. In the light of the above, this petition is disposed off.

(**RAVINDRA V. GHUGE, J.**)