

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

CIVIL APPLICATION NO.10943 OF 2014 IN
CIVIL APPLICATION NO.5183 OF 2014 IN
CIVIL APPLICATION NO.13445 OF 2009 IN
SECOND APPEAL NO.273 OF 1987

Dhairyashil Anandrao Khatal
and ors.

..Applicants

Versus

Sidram s/o Ramchandra Mendke
(died therefore deleted)

Veerbhadra Satppa Mendke
(died through L.Rs.)
Annarao s/o Veerbhadra Mendke
and ors.

..Respondents

Mr A.G.Dalal, Advocate for applicants
Mr V.C.Solshe, Advocate for respondents 2/1 to 2/5, and 2/7

CORAM : N.W. SAMBRE, J.

DATE : 30th January 2015

PER COURT

1. This is an application for bringing legal representatives of Respondent no.2/6 on record.
2. The issue involved in the present matter pertains inheritance of the property from the maternal side by a female Hindu.
3. In view of Section 15 (2) of the Hindu Succession Act, civil application is not tenable. Section 15 (2) of the Hindu Succession Act reads thus :

“15. General rules of succession in the case of female Hindus - (1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section 16, -

- (a)
- (b)
- (c)
- (d)
- (e)

(2) Notwithstanding anything contained in sub-section (1)-

(a) any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter), not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father; and

(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband."

- 4. In view of above, civil application stands rejected.
- 5. Matter to be put up on 13th February 2015.

(N.W. SAMBRE, J.)

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