

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7428 OF 2015

Sou Sonali Sadashiv Bhalvankar : Petitioner
versus
Smt. Mira Bhalchandra Avdhal & ors. : Respondents.

Mr. Ajay A Joshi for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 03rd September 2015

P.C.

1 The above Petition takes exception to the order dated 18/04/2015 passed by the learned Civil Judge, Senior Division, Pandharpur by which order the application filed by the Respondent for amendment came to be allowed.

2 In my view, having regard to the nature of the amendment allowed, which is an application seeking succession certificate, no case for interference in the writ jurisdiction of this Court is made out. The learned counsel for the Petitioner states that the proceeding has been reserved for judgment and it was at the said stage that the application for amendment was moved.

3 The reading of the impugned order discloses that by the amendment what is sought to be done is to incorporate additional fixed deposit

numbers in the application for heirship certificate. It is the contention of the learned counsel for the Petitioner that some of the deposits are in favour of a Trust and therefore the proponent of the application for succession certificate would not be entitled to claim succession certificate in respect of the said deposits. If that be so, it would be open for the Petitioner to file an application in the form of written submission before the learned Judge of the Trial Court who has heard the application for succession certificate being No.12/2013. The learned Judge of the Trial Court, if any such application is filed within one week, may consider the same by giving an opportunity to the other side whilst deciding the said application. If such application in the form of submission is not filed within one week from date, the right to file the same would stand forfeited. With the aforesaid observations the Writ Petition is disposed of.

[R.M.SAVANT, J]