

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37607 of 2015

ORDER:

Heard.

The petitioners filed the present writ petition questioning the notice dated 03-07-2015 issued by the 3rd respondent, wherein the petitioners were informed with regard to the application filed by respondents 4 to 7 seeking to reopen their earlier Case No.B/3426/2012 for grant of succession.

Learned counsel for the petitioners question the impugned notice primarily on the ground that the earlier application of respondents 4 to 7 was enquired into and rejected on merits as early as on 10-04-2013 in File No.B/3426/2012 and as such, the said order having become final, the 3rd respondent cannot entertain fresh application or an application for reopening of the said case all over again.

Prima facie, the contention appears to be sustainable. However, it is not necessary to entertain this writ petition as the petitioners can always raise the aforesaid contention apart from other contentions before the 3rd respondent by filing objections in response to the impugned notice. On filing such objections, the 3rd respondent is duty bound to consider the case of both the parties and take appropriate decision in the matter. The enquiry proposed to be held in response to the notice shall, therefore, confirm to the principles of natural justice and the 3rd respondent shall pass a reasoned order accordingly within the specified time but not later than three months.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 19-11-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.37607 of 2015

19-11-2015

Prv

