

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL ST. NO.21760 OF 2015

[Smt. Nalinibai w/o Sahebrao Patil and others .vs. State of Maharashtra, through Collector, Yavatmal]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri V.R. Thote, Advocate for appellants,
 Shri M.A. Kadu, A.G.P. for respondent.

.....

CORAM : Z.A. HAQ, J.

DATED : OCTOBER 10, 2016.

The appellants have filed appeal challenging the order passed by the trial court on application under Section 372 of the Indian Succession Act.

By the impugned order, the trial court has directed issuance of succession certificate in favour of original applicant no.4 - Mr. Prashant Sahebrao Patil in respect of the properties mentioned in schedule annexed to the application and in respect of the fixed deposits. The grievance of the appellants is that the rejection of claim of the appellants for grant of succession certificate in respect of deposits lying with State Bank of India, Branch at Digras, is not proper.

There is delay of 400 days in filing appeal and, therefore, application praying for condonation of delay is filed.

In the memorandum of appeal and the application praying for condonation of delay, the appellants have not shown any one as respondent/non-applicant. According to the appellants, no one had taken objection to the claim of the appellants before the trial court in spite of publication of notice in newspaper.

Considering the facts of the case, in my view, the State of Maharashtra will be proper party in the circumstances.

On oral request, leave to implead State of Maharashtra as respondent, is granted.

CIVIL APPLICATION [F] NO.1794/2016

For the reasons stated in the application, the delay of 400 days in filing appeal is condoned. The civil application is allowed.

FIRST APPEAL ST. NO.21760/2015

Taken up for hearing on admission.

Notice, returnable on 21.11.2016.

Shri M.A. Kadu, A.G.P. waives notice for the respondent.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : A.S. Gulande, P.A.

Uploaded on : 14.10.2016