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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9210 OF 2017

1. Ashok Sukhdev Rajnwan PETITIONERS
Age – 35 years, Occ – Agriculture
R/o Kalyannagar Majalgaon,
Taluka – Majalgaon, District – Beed

2. Chhaya Shriram Deshmukh
Age – 35 years, Occ – Household
R/o Jaybhavani Colony, Aurangabad
Taluka and District – Aurangabad

3. Satyabhama w/o Sukhdev Rajnwan,
Age – 53 years, Occ – Household
R/o Kalyanagar, Majalgaon,
Taluka and District – Majalgaon

VERSUS

1. The State of Maharashtra RESPONDENTS
Through District Collector, Beed,

2. The Tahsildar Majalgaon,
Taluka – Majalgaon, District – Beed

3. Rukhminbai w/o Sukhdev Ranjanvan
Age – 65 years, Occ – Household
R/o Hanuman Chok, Old Bazar Road,
Majalgaon, Taluka – Majalgaon
District – Beed

4. Kalidas Sukhdev Ranjanvan,
Age – 33 years, Occ – Household
R/o Hanuman Chowk Old Bazar Road,
Majalgaon, Taluka – Majalgaon,
District – Beed

5. Asha Ramesh Solanke,
Age – 45 years, Occ – Household
R/o Gajanan Road, Majalgaon,
Taluka – Majalgaon, District – Beed

6. Usha Sudam Solanke,
Age – 42 years, Occ – Household
R/o Amala, Taluka – Dharuar,
District – Beed
7. Meera Sopan Kaharat,
Age – 41 years, Occ – Household
R/o Mangrul, Taluka – Ghansangvi,
District – Jalna
8. Sangita Subhash Game,
Age – 39 years, Occ – Household
R/o Shivaji Nagar,
Dr. Nayar Hospital, Parbhani
Taluka and District – Parbhani
9. Shala Prashant Shinde,
Age – 42 years, Occ – Household
R/o Adashra Colony, Ambajogai
Taluka – Ambajogai, District - Beed

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Mr. Santosh C. Bhosale, Advocate for the petitioners
Mr. Y. G. Gujrathi, AGP for respondent - State
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 25th JULY, 2017

ORAL JUDGMENT :

1. Heard learned advocates for appearing parties.
2. Petitioners are before this court against order dated 1st April, 2017 upon an application Exhibit-39 in Regular Civil Suit No. 377 of 2014 pending before Civil Judge, Senior Division, Majalgaon. Regular Civil Suit No. 377 of 2014 has been filed by

the petitioners - plaintiffs for declaration that plaintiffs are legal heirs of deceased Sukhdev contending plaintiff No. 3 to be first wife of deceased Sukhdev, whereas defendant No. 3 to be his second wife.

3. The suit has been filed in the backdrop of their request being declined under Miscellaneous Civil Application No. 4 of 2011 seeking heirship certificate directing them to take recourse to competent authority.

4. Accordingly, the suit has been filed for declaration and to record their names as legal heirs of deceased Sukhdev in respect of suit properties.

5. It emerges that defendants have disputed that plaintiff No. 3 happened to be first wife of deceased Sukhdev.

6. Application Exhibit-39, interestingly, has been for DNA test of plaintiffs No. 1 & 2 and defendants No. 4 to 9. Admittedly, Sukhdev, who is claimed to be father of parties, is not alive. Trial court has observed that in the face of such situation no purpose is likely to be served by calling DNA test report of plaintiffs No. 1 & 2 and defendants No. 4 to 9 and as such, application Exhibit-39 has been rejected.

7. The reasons appearing in the impugned order are immaculate and perfect. As such, writ petition does not deserve any indulgence.

8. Writ petition, accordingly, stands dismissed with no order as to costs.

[SUNIL P. DESHMUKH, J.]

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