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

CIVIL REVISION APPLICATION NO.83 OF 2017

Ahmedi Begum w/o Syed Jalil,
Age: 77 years, Occ: Nil,
R/o. Naikwadi, Kalamnuri,
Tq. Kalamnuri, Dist. Hingoli.

APPLICANT

VERSUS

1. Chand Sultana w/o Syed Jalil,
Age: 77 years, Occ: Nil,
2. Tanveer Sultana w/o Shakil
Ahmed, Age: 49 years,
Occ: Household,
(Deleted vide Hon'ble Court's
order dated 15/07/2016)
- Both R/o. House No.1-13-41,
Budhilane, Behind Nehru Bhavan,
Aurangabad.
3. The State of Maharashtra,
Through the District Collector,
Aurangabad.
4. The Zilla Parishad,
Aurangabad, Through its
Chief Executive Officer.
5. The Chief Finance and Accounts
Officer, Zilla Parishad,
Aurangabad.
6. The Education Officer (Primary)
Zilla Parishad, Aurangabad.
7. Afroze Shaheen w/o Mohd. Uzar
Age: 44 years, Occ: Household,
R/o.Naikwadi, Kalamnuri,

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Tq. Kalamnuri, Dist. Hingoli.
(Deleted vide Hon'ble Court's
order dated 15/07/2016)

..RESPONDENTS

Mr A.G. Dalal, Advocate for applicant;
Mr A.S. Deshpande, Advocate for respondent No.1;
Mrs. Vaishali Patil-Jadhav, A.G.P. for respondent
No.3

CORAM : N.W. SAMBRE, J.**DATE : 14th JULY, 2017****ORAL ORDER :**

Deceased Syed Jalil Khan s/o Syed Rahim Khan had two wives, who preferred respective proceedings under the provisions of Bombay Regulation (VIII), 1827 seeking right to administer the property.

2. Learned District Judge, Aurangabad in Regular Civil Appeal No. 190 of 2009 granted such rights in favour of respondent-wife. As such, this revision.

3. Heard Mr. Dalal, learned Counsel for the applicant at length. This Court noticed that

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proceedings before the Court below based on Bombay Regulation (VIII) 1827 are summary in nature and each party is required to establish right to administer the property in summary matter.

4. Learned Counsel for the applicant, upon instructions, makes motion for withdrawal of the revision application, with liberty to initiate civil proceedings pursuant to the provisions of Clause-4 of the Rules for the Recognition of Heirs, Executors, Administrators as provided in Chapter-I of said Regulation in independent civil proceedings.

5. Present Civil Revision Application stands disposed of, as withdrawn, since not objected by respondent, with liberty to the applicant to establish her right to property in question being successor as second wife of deceased Syed Jalil before competent Civil Court. The competent Civil Court shall decide such proceedings to be brought in action by respondent on its own merit. Time

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consumed in prosecuting this proceedings be taken into account, if issue of limitation is raised.

6. With above observations, Civil Revision Application stands disposed of in above terms.

(N.W. SAMBRE, J.)

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