

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8822 OF 2016
(Digambar s/o Bhanudas Jagdale and others Vs. Siddhi Shivdas
Jagdale and others)

Mr.S.Y.Patil h/f Mr.B.N.Patil, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/07/2017

PER COURT :

1. This matter is heard for some time. The learned Advocate for the petitioners submits that the petitioners are likely to file an application before the Trial Court expressing a proposal in terms of allotting a portion of the land for the minor child Ku.Siddhi Shivdas Jagdale or by depositing a substantial amount for her benefit and her future. That would bring the litigation to an end is the hope expressed by the petitioners.

2. Learned Advocate for the petitioners strenuously criticized the impugned order dated 04/03/2016 and has drawn my attention to each of the 11 grounds set out in the memo of the petition.

3. While considering the contentions and the grounds raised, I have gone through Section 12 of the Hindu Minority and

Guardianship Act, 1956 and Order 32 Rule 4 of the CPC. Ku.Siddhi is presently residing with her maternal grand parents. Her mother Sonali is said to have been subjected to abuses at the hands of her husband and the in laws. She has died on account of burn injuries and her dying declaration has been recorded. These petitioners are said to be accused in the said offence.

4. Considering the above, the Trial Court has entertained the suit filed through her maternal grand father who has no interest, much less adverse interest in the property belonging to the father and grand parents of Ku.Siddhi. Eventually, Ku.Siddhi would be entitled to a portion of the property in the light of the amendment introduced to the Hindu Succession Act in 2005.

5. Considering the above, I do not find that the Trial Court has committed any error in rejecting application Exh.32 filed by the petitioners objecting to the maternal grand father of Ku.Siddhi in being the plaintiff in RCS No.56/2015.

6. This petition, being devoid of merits, is therefore, dismissed.

(Ravindra V.Ghuge, J.)