

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

WRIT PETITION NO. 13157 OF 2017

GOVIND VINAYAKRAO JADHAV
VERSUS
SHIVAJI LAXMAN JADHAV

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Advocate for Petitioner : Mr. P. S. Chavan.

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CORAM : V.K. JADHAV, J.

Dated: November 14, 2017

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PER COURT :-

1. Petitioner has filed his objection in the proceeding for obtaining heir-ship certificate initiated by the respondent/Shivaji. Petitioner-original objector is not a legal heir of the deceased Muktabai, however, the petitioner-original objector claims his right in respect of certain property on the basis of will-deed executed in his favour by deceased Muktabai. On the basis of will-deed, the petitioner claimed to be the absolute owner in possession of the land Gat No.51 to the extent of 71R.

2. It is well settled that, in a proceeding for heir-ship certificate, Court is not required to determine the title of the deceased to any property. It is required only to

consider whether persons claiming heir-ship certificate are the heirs of the deceased or not.

3. In the instant case, petitioner-original objector is claiming his right in respect of certain property hold by the deceased on the basis of will-deed executed by the deceased in his favour. Petitioner can assert his rights by approaching the Civil Court if the legal heirs of the deceased Muktabai are disputing the same. Learned Judge of the Trial Court has, therefore, rightly rejected the objection petition filed by the present petitioner. I do not find any fault in the impugned order. There is no substance in this writ petition. Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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