

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***CIVIL REVISION APPLICATION NO.620 OF 2015
ALONG WITH
CIVIL APPLICATION NO.639 OF 2015***

Tukaram Kachur Kangane & Anr. .. Applicants
Vs.
Dipali Bhagwan Kangane & Anr. .. Respondents

Mr.Bhushan Deshmukh for the applicants.
Mr.Sachin Gite for the respondents.

***CORAM : R.D. DHANUKA, J.
DATE : 10th September 2018***

P.C.:

. By this application filed under Section 115 of the Code of Civil Procedure, 1908, the applicants have impugned the order dated 17th August 2013 passed by the District Judge-5, Nashik allowing the appeal filed by the respondents and setting aside the order passed by the learned trial Judge in Civil Misc. Application No.52 of 2007 to the extent of rejection of the claim of the respondent no.1 for succession certificate. It is held by the learned District Judge-5 that the applicant no.1 does not fall under Class I under the provisions of the Indian Succession Act, 1925. The applicant no.2 was entitled to 1/3rd share and the respondent nos.1 and 2 were entitled to 1/3rd share each in the estate of the deceased husband of the respondent no.1.

2. Both the Courts below have rendered various findings of facts in favour of the respondents in so far as grant of succession

certificate is concerned. Learned counsel for the applicants does not dispute that the applicant no.1 does not fall under Class I category.

3. In so far as the observations made in respect of the alleged offences committed by the respondent no.1 in the impugned order are concerned, the said observations are prima facie. Criminal proceedings filed by the applicant no.1 against the respondent no.1, if any, shall be dealt with on its own merits without being influenced by the observations made and the conclusions drawn in the impugned order in so far as the alleged offences are concerned.

4. I do not find any infirmity in the impugned order dated 17th August 2013 passed by the District Judge-5, Nashik. Civil revision application is devoid of merit and is accordingly dismissed. In view of dismissal of the civil revision application, civil application does not survive and is accordingly disposed of. No order as to costs.

R.D. DHANUKA, J.