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

CIVIL REVISIN APPLICATION NO.539 OF 2017

Ranjana Ramesh Dangle	...	Applicant.
V/s.		
The State of Maharashtra	...	Respondent

Mr. J. S. Kini i/by Suresh Dubey, for the Applicant

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 9TH APRIL, 2018.

P.C. :

1] Heard learned counsel for the Applicant learned AGP for the State.

2] By this Revision Application filed under Section 115 of the Code of Civil Procedure, the petitioner is challenging the order dated 4.7.2017, passed by Jt. Civil Judge Senior Division, Thane, thereby rejecting Misc. Civil Application No.994 of 2016.

3] The said Misc. Civil Application was filed by the present petitioner for granting Letters of Administration and heir-ship certificate in her name, in respect of properties held by her elder sister Anjali Pramod Dangale, who has expired on 17.5.2001. Her husband Pramod Dangale has also expired on 18.01.2000 and her son

Vaibhav Pramod Dangale has died on 15.09.2014. Hence according to petitioner, she is alone entitled to the property left behind by her elder sister Anjali Dangale.

4] The trial Court has rejected this application, mainly and only on the ground that there was earlier order passed by this Court in Guardian Petition No.74 of 2002, directing that the amount due to Anjali Pramod Dangale be deposited with the Accounts Officer, of this Court, and Chandrabhaga her mother was permitted to withdraw 50% of the said amount. Further there was also direction to Chandrabhaga, not to create third party interest in and upon or in respect of the share of the minor in the flat.

5] According to trial Court, in view of the said order passed by this Court, in Guardian Petition No.74 of 2002, it cannot pass any order in respect of amounts payable to the deceased Anjali by the University of Mumbai and L.I.C, and also in respect of the flat owned by the deceased.

6] In my considered opinion, the trial Court should not have rejected the application on the above said ground because the said order was passed by this Court, when both Chandrabhaga, the mother of Anjali Dangale and minor son of Anjali were alive. Now both of them are no more and therefore, it has become necessary to reconsider again as to who is entitled to receive the amount amount

which was due to late Anjali Dangale, from University of Bombay or the flat owned by deceased Anjali.

7] Hence, in view of these changed circumstances, it is necessary for the trial Court to consider the matter afresh, including the question as to entitlement of the petitioner to get said dues and property.

8] Accordingly Civil Revision Application is allowed.

9] The impugned order passed by the trial Court is set aside.

10] The trial Court is directed to decide Misc. Civil Application No.994 of 2016, afresh.

11] All the questions are kept expressly open including the question of about entitlement of the petitioner.

[DR.SHALINI PHANSALKAR-JOSHI, J.]