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

**CIVIL REVISION APPLICATION NO.14 OF 2017**

1. Ilaahibaksha S/o Mehboobli Sayad,  
Age: 70 years, Occu. Agril.
2. Mainunbee W/o Ilaahiibaksha Sayad,  
Age 65 years, Occu. Household,  
Both R/o Renapur, Tq Renapur,  
Dist. Latur. = **PETITIONERS**  
(Orig. Objection  
petitioners)

**VERSUS**

1. Parveen W/o Marufali Sayad,  
Age: 31 years, Occu. Household,
2. Shifa D/o Marufali Sayad,  
Age: 7 years, Occu. Education,  
  
U/g of her natural mother,  
Respondent no. 1  
R/o Ranapur, Tq. Renapur,  
Dist. Latur = **RESPONDENTS**  
(Orig. Applicants)

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Shri. V. P. LATANGE, Adv. for Applicants;  
Shri. G.R.SYED, Adv. for Resp. for No.1;

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**CORAM : P.R.BORA, J.**  
**DATE : 22<sup>nd</sup> March, 2019**

**ORAL JUDGMENT**

1. Heard finally with consent of learned counsel appearing for the respective parties.
2. In the present civil revision application, the issue raised is, "whether any such order could have been passed by the learned

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Joint Civil Judge, Senior Division, Latur, in a proceeding under the Bombay Regulations Act, seeking heirship certificate, directing mutation of the the names of the legal heirs to a particular property of the deceased?".

3. Learned counsel for petitioner has relied upon the judgment of this court in the case of Group Gram Panchayat, Sasvane Vs. Sunanda Shamrao Bandieshti and Ors. - 2011 (2) Mh.L.J. 424, wherein this court has held that, "in a proceeding for heirship certificate, the court is not required to determine title of the deceased to any property. It is required only to consider whether the persons seeking heir ship certificate, are the heirs of the deceased."

4. In view of the aforesaid judgment, it is apparent that the learned trial court has exceeded its jurisdiction in giving further direction, as is incorporated in clause 3 of the operative order. As has been held in the cited judgment, the learned Civil Judge must have restricted his order only to the extent of declaring the applicants to be legal heirs of the deceased, if he was satisfied that sufficient evidence was placed on record by the

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said applicants so as to hold them legal heirs of the deceased and no further order could have been passed as has been passed by the said court. In the circumstances, the civil revision application deserves to be partly allowed and it is allowed in the following terms, -

i. Clause 3 of the operative order of the judgment impugned in this revision, in so far as it relates to mutation of the names of the legal heirs to the property of the deceased Maruf, is set aside;

ii. It is clarified that it would be open for the applicants, who are declared to be the legal heirs of deceased Maruf, to take further proceeding so as to get mutated their names, if they so desire to the property of deceased Maruf and the said application can be decided by the concerned authority on its own merits and in accordance with law.

**(P.R. BORA)**  
**JUDGE**

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