

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

**2 CIVIL REVISION APPLICATION NO.64 OF 2018
WITH CRA/65/2018**

SUNIL RAJU SALAMPURE

.. Petitioner

VERSUS

THE STATE OF MAHARASHTRA
THROUGH COLLECTOR, COLLECTOR
OFFICE, AURANGABAD AND OTHERS

.. Respondents

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Advocate for Petitioner : Shri Ajit D. Kasliwal
Advocate for Respondent No.2 : Shri R.G. Shirsat &
Shri N.T. Tribhuwan
Respondent No.3 – Served.
Advocate for Respondent No.4 : Shri D.R. Bhadekar

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**CORAM : P.R. BORA, J.
Dated: July 22, 2019**

PER COURT :-

1. Rule. Rule made returnable forthwith. The matter is heard finally with consent of the learned counsel appearing for the parties.

2. MARJI No.365 of 2013 was filed by respondent No.4 in CRA No.64 of 2018, who is Respondent No.1 in CRA No.65 of 2018 praying for issuance of Succession Certificate in her favour being the mother of Deceased Dhanabai Rama Salampure, whereas Revision Applicant in both these revision applications had filed MARJI No.309 of 2013 praying for issuance of Succession / Heirship Certificate

being the son of nephew and nominee of deceased Dhanabai. The application filed by Umabai Salampure was allowed by the Trial Court, whereas the application filed by the Revision Applicant was rejected by the said Court. Challenging the orders passed in MARJI No.309 of 2013 and MARJI No.365 of 2013, the Revision Applicant preferred Regular Civil Appeal No.178 of 2015 and Misc. Civil Appeal No.139 of 2017 respectively. Both the appeals came to be dismissed, against which, the Revision Applicant has filed these two Civil Revision Applications.

3. In short, it was the contention of the present revision applicant before the Courts below that, since his name was shown as nominee of deceased Dhanabai in her service book as well as in all relevant documents and since he was also son of nephew of deceased Dhanabai, the Succession Certificate was liable to be issued only in his name. The contention so raised by the Revision Applicant has been rejected by the Courts below. On perusal of the Judgments passed by the Courts below, it does not appear to me that, any error has been committed by the Courts below in rejecting the request of the revision applicant. Law is well settled that, in the conflict between nominee and the legal heir of the deceased, the legal heir will always get precedence to inherit the property of the deceased.

Secondly, even in pedigree the mother was on higher pedestal than the son of the nephew of the deceased to inherit the property of deceased Dhanabai. As such, I see no reason to cause interference in the impugned orders. Civil Revision Applications being devoid of any substance, deserve to be dismissed and are accordingly dismissed, however, without any order as to costs.

(**P.R. BORA, J.**)

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