

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.586 OF 2018

BISMILLABEE AMIRSAB SAYYED DIED AND OTHERS
VERSUS
SHAKILABANU YUNUS SHAIKH

...

Advocate for Petitioners : Shri Ashtekar R.K.
Advocate for Respondent : Shri Patil B.N.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: April 10, 2019

...

PER COURT :-

1. On 17.1.2018, the following order was passed:-

"1 The Petitioners are aggrieved by the order dated 16.09.2016 delivered by the Court below in Miscellaneous Application No.414/2015 by which, the Petitioners are directed to return the original Heirship Certificate granted vide order below Miscellaneous Application No.48/2008 dated 23.08.2008 to the said Court within fifteen days for cancellation of the same.

2 The learned Advocate for the Petitioners submits that the said direction has been implemented. Nevertheless, these Petitioners desire to challenge the said order.

3 The learned Advocate further makes a statement to be recorded that the Petitioners have no objection for including the sole Respondent, who is the biological sister of the Petitioners, in the Heirship Certificate. She was left out from the said

certificate and hence, she has moved the Court for revocation of the Heirship Certificate.

4 Since I am recording the statement made by the Petitioners as above, issue notice to the Respondent returnable on 01.03.2018."

2. The learned Advocates for the respective sides submit jointly, that as the original heirship certificate dated 9.4.2008 has already been cancelled, the petitioners can move a fresh application by recording their consent to include the respondent / herein, who is their real sister, so as to be treated as a legal heir and thereafter, a fresh certificate can be granted.

3. Shri Ashtekar, learned Advocate for the petitioners submits that the petitioners would tender a fresh application on/or before 15.6.2019 before the same Court and would intimate the respondent, in writing, about the same. It is stated that the name of the respondent would also be included in the list of legal heirs.

4. Shri Patil, learned Advocate or the respondent submits that the respondent would be agreeable and a fresh heirship certificate can then be issued by consent.

5. By recording the statements as above, this petition is disposed off.

(RAVINDRA V. GHUGE, J.)

...

akl/d