

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3984/2016

Smt. Nirmala wd/o Motiram Choudhari & anr.

Vs.

Divisional Railway Manager, Central Railway, Nagpur.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Y.B.Mandpe, Advocate for petitioners.
Shri V.M.Gadkari, Advocate for respondent sole.

CORAM : A.S.CHANDURKAR, J.

DATED : July 02, 2019

Shri Y.B.Mandpe, learned counsel for the petitioners submits that the petitioners have taken away the case papers and hence he is not in a position to represent the petitioners.

No alternate arrangement has been made by the petitioners. Hence the appearance of Shri Y.B.Mandpe, learned counsel is discharged.

Perused the impugned order passed below Exhibit 58 and heard Shri V.M.Gadkari, learned counsel for respondent sole. It can be seen that the petitioners have initiated proceedings for grant of legal heirs certificate under Section VII of the Bombay Regulations, 1827. In those proceedings the petitioners had filed a pursis at Exhibit 37 stating therein that they did not desire to lead any evidence. Thereafter application at Exhibit 58 was filed thereby seeking permission to withdraw that pursis and also to lead further evidence.

The trial Court has rejected that application on the ground that the proceedings are of summary nature and determination of the actual status of the parties including the aspect whether the petitioner no.2 was given in adoption or not would not be permissible in those proceedings.

Considering the reasons assigned in the impugned order, it cannot be said that the trial Court erred in rejecting the application below

Exhibit 58. By clarifying that it is open for the petitioners to have their legal rights established in accordance with law, there is no reason to interfere with the impugned order. The writ petition is accordingly dismissed. No costs.

JUDGE

Andurkar.