

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

WRIT PETITION NO. 7351 OF 2018

(Smt. Devkabai Wd/o Dyaneshwar Wankhede & Ors. Vs. 8th Joint Civil Judge,
Senior Division, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.D. Dharmadhikari, Advocate for the
petitioners.

Shri S.Bissa, Assistant Government Pleader for the
respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : 28TH JUNE, 2019.

1. Heard Shri R.D. Dharmadhikari learned counsel for the petitioners. By referring to Civil Application No.1012 of 2019 he prays that the initial application that was filed for grant of legal heir certificate be permitted to be amended so as to delete paragraphs 2 and 3 therein and insert a paragraph to indicate the reason for requirement of the legal heir certificate.

2. The initial application filed on behalf of the applicant came to be allowed by imposing a condition that the petitioners should pay Court fees as per the valuation of the properties. By relying upon the decision of Group Grampanchayat,

Sasavane Vs. Sunanda Shamrao Bandishti & Ors reported in 2011 (2) Mah.L.J 424, it is submitted that the direction to pay Court fees on the valuation of the property is not called for.

3. Considering the fact that the petitioners are seeking substantial amendments in the original application by indicating the reason for which they require the legal heir certificate, the interests of justice would be served by permitting the petitioners to withdraw the application dated 15th April, 2017 that was filed by them for issuance of legal heir certificate. They are granted at liberty to file a fresh application in that regard. On account of the application dated 15th April, 2017 being withdrawn, the order dated 12th January, 2018 passed below Exh. 1 in MJC No. 316 of 2017 shall cease to operate. If such fresh application is filed the same shall be decided on its own merits.

4. The petition is disposed of in aforesaid terms.

5. Pending Civil Application No. 1012 of 2019 is also disposed of.

JUDGE