

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3345/2017

Goswami Rameshpuri Thru LR's
..VS..
The Collector

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

Court's or Judge's orders

Shri A.C. Dharmadhikari, Advocate for the petitioner(s)
Shri K.L. Dharmadhikari, AGP for the respondent/State

CORAM : Z.A.HAQ, J.

DATED : 28/08/2019

The original petitioner – Goswami Rameshpuri had filed an application under Section 2 and Section 3 of the Bombay Regulation Act, 1827 for grant of heirship certificate. The original petitioner – Goswami Rameshpuri claimed that Goswami Maheshpuri Guru Ramkrushnapuri had adopted him as Chela on 30/07/1943 and in support of this claim, affidavit sworn by biological father of the original petitioner – Goswami Rameshpuri on 02/11/1943 was filed on record.

In the judgment given by the Division Bench of this Court in the case of Aloysius Manuel D'souza and Ors. vs. Mary Kamala William Manuel D'souza and Ors. reported in 2006 (6) Bom. CR at page 56, it is laid down that grant of heirship certificate does not establish right of such party in the property of deceased by itself, and the parties have to establish their rights in the estate of deceased in appropriate proceedings.

The original petitioner – Goswami Rameshpuri died on 03/12/2016.

Hence, considering the proposition laid down in the above referred judgment, challenge in the petition to the order passed under Section 2 and Section 3 of the Act of 1827 has become infructuous.

The petition is **disposed** as infructuous. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari