

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

24 WRIT PETITION NO.591 OF 2020

VANDANA ATMARAM MORE THROUGH GPA YUVRAJ DHANAJI BAGUL
VERSUS
SANCHALAL ALIAS SHANTILAL VYANKAT NIKUMBH AND OTHERS

...
Advocate for Petitioners : Mr. Kotkar Sanjay D.

....

CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 14th, 2020

...

PER COURT :-

1 The respondent herein preferred an application for grant of heir-ship certificate under section 2 of the Bombay Regulation Act.

2 One Sakhubai Yuvraj Bagul, who was the only non-applicant preferred an application under section 340 Cr.P.C. contending that the applicants pleaded incorrect and false information in the application seeking heir-ship certificate and that the affidavit placed on record is false in content. Subsequently, Smt. Sakhubai expired.

3 The applicant failed to bring on record the legal heirs of Sakhubai and therefore, the application for heir-ship certificate was disposed of for want of steps to bring on record the legal heirs of Sakhubai.

4 The petitioner herein Smt. Vandana Atmaram More appears to have preferred an application, seeking intervention in

the proceedings under section 2 of the Bombay Regulation Act. Interestingly, Smt. Vandana More is not challenging the order, whereby the proceeding came to be dismissed only on the ground that the legal heirs of Sakhubai are not brought on record. Smt. Vandana More is challenging the order whereby the application under section 340 of the Cr.P.C. is disposed of without recording any finding on merit.

5 I am satisfied that the petition is totally misconceived.

6 The application under section 2 of the Bombay Regulation Act, 1827 was not decided on merit. No finding is recorded, even not a prima facie finding by any Court or authority that any statement in the affidavit is false. Under these circumstances, the petitioner has no locus to insist that the allegations made by Sakhubai be inquired into and that prosecution under section 340 Cr.P.C. be initiated.

7 The petition is devoid of substance and is rejected.

(ROHIT BABAN DEO, J)