

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 2061 OF 2020

Dilip Bhagoji Patil

.Petitioner

Vs.

Chintaman Dhondiba Jadhavar & anr.

.Respondents

Mr. Paras Yadav, Advocate, for the Petitioner
None for the Respondents

CORAM : ROHIT B. DEO, J.

DATE : 25.07.2022

P. C.

. The Petitioner is assailing the Order dated 29.06.2019 rendered by the learned 7th Joint Civil Judge, Junior Division, Kolhapur in Miscellaneous Application 335 of 2016, whereby the Application of the Third Party/Objectors under O. I, Rule 10 of the Code of Civil Procedure, 1908 (for short 'CPC') is allowed.

2. Miscellaneous Application 335 of 2016 is instituted by the Petitioner seeking heirship under the provisions of the Bombay Regulation Act, 1827. In response to the citation/publication, the parents of the deceased -

Smt. Mukta sought intervention, which is allowed.

3. The short submission of the learned counsel for the Petitioner is that in view of the provisions of Section 15 of the Hindu Succession Act, 1956, the Applicant, as the husband of the deceased – Mukta is the only heir. Reliance is placed particularly on the provision of Section 15(1)(a).

4. I am afraid the controversy is not as simple and obvious as is argued. Firstly, there is a serious objection to the very status of the Applicant as the lawfully wedded husband of the deceased – Mukta. More importantly Section 15 of the Hindu Succession Act, 1956 will have to be read alongwith sub section 2. I have perused the Application preferred under the Bombay Regulation Act and insofar as immovable property which is described therein, there is absolutely no explanation or amplification or as to whether the said property was the self acquired property of the deceased – Mukta or then self acquired by her from the family of the Applicant.

5. Be that as it may, it would not be appropriate to make any observation on the merits of the matter. All that is done by the order impugned is to permit father and mother of the deceased – Mukta to participate in the proceedings. I see no error in the view taken by the learned trial Judge.

6. The Petition is dismissed.

(ROHIT B. DEO, J.)