

nsc.

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

WRIT PETITION NO.11324 OF 2019

Ashok Biharilal Mohare

... Petitioner

Versus

Sumanbai Ramesh Mohare and Ors.

...Respondents

Mr. V. D. Kadam, for the Petitioner.

Mr. V. V. Salunke a/w Mr. V. M. Punjabi, for Respondents.

CORAM : REVATI MOHITE DERE, J.

DATE : 26th FEBRUARY, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this Petition, the Petitioner has impugned the order dated 24th June, 2019, passed by the learned Joint Civil Judge, Senior Division, Niphad, below Exhibit – 13, in Miscellaneous Application No.40 of 2017, by which, the petitioner's application seeking his impleadment in the proceedings, was rejected.
3. Admittedly, the petitioner comes in the category of Class – II heirs and not Class – I heir.

4. Having regard to the same, the learned Judge has rightly rejected the petitioner's application seeking his impleadment in the proceedings filed by the respondents for grant of succession certificate/legal heir certificate.

5. No infirmity can be found in the impugned order. It is always open for the petitioner to file appropriate proceedings for establishing his right, if any, in the property in question.

6. The Petition is accordingly dismissed and disposed of as such.

REVATI MOHITE DERE, J.