

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

CIVIL APPLICATION (CAF) NO.1091 OF 2020
IN
FIRST APPEAL STAMP NO.2909 OF 2020

(Smt. Sarika wd/o Kailash Choudhary and others Vs. Mrs. Gangabai w/o Rambhau Chaudhari)

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

Court's or Judge's orders.

Shri Bhushan Dafle, Advocate for Appellants.

CORAM: ROHIT B. DEO, J.
DATE: 23rd JUNE, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] This application seeks condonation of delay in preferring appeal challenging the order dated 14.10.2019 whereby the heir-ship certificate issued in the name of the applicants/appellants is revoked on the ground that the applicants/appellants suppressed the fact that the mother of the deceased Smt. Gangabai is also a Class-I heir. The heir-ship certificate was obtained behind the back of Smt. Gangabai.

3] Shri Bhushan Dafle, the learned counsel fairly does not dispute that Smt. Gangabai is also a Class-I legal heir.

4] In this view of the matter, there is no propriety in condoning the delay.

5] The application for condonation of delay is rejected.

6] However, it is made clear that the applicants shall be at liberty to file a proper application for grant of heir-ship certificate making every legal heir party, and if this is done, the said application shall be considered on its own merit.

7] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE