

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

948 WRIT PETITION NO.13047 OF 2021

**SHIVAJI KASHINATH KANDE AND OTHERS
VERSUS
ASEF KHAN AMANULLAK KHAN PATHAN**

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Advocate for Petitioners : Mrs. Kulkarni M.A.

CORAM : MANGESH S. PATIL, J.

DATE : 04.12.2021.

PER COURT :

Heard learned advocate for the petitioner.

2. The petitioners are the persons who are objecting to the issuance of a certificate under the Bombay Regulation Act, 1827 in an application filed by the respondent.

3. It appears that the respondent by moving an application, on which the order under challenge has been passed, prayed for inclusion of names of seven other persons along with him as applicants claiming the heirship certificate.

4. Admittedly, the main proceeding is still to be decided. If the petitioners have some objections even to the right or entitlement of these persons who are now allowed to be added as applicants, they have right to put up an additional grievance by filing additional objection, if they so choose.

5. In my considered view, the order under challenge merely allows some persons to be added as co-applicants in the main proceeding for heirship certificate . No prejudice is likely to be caused to the petitioners.

6. The Wit Petition does not have any merit. It is dismissed, however, keeping open right to raise objection to the entitlement of the persons directed to be added as applicants.

(MANGESH S. PATIL, J.)

mkd/-