

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4736 OF 2017

SMT. KALAWATI MADOLAPPA GALURGI
AND ANR

....PETITIONERS

V/s.

MR. SHRISHAIL MADOLAPPA
GALURGI AND ANR

.....RESPONDENTS

Mr. Ramchdnra N. Kachare for the Petitioners

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 11, 2021.

P.C.:

1] In a heirship proceedings initiated by the petitioner bearing No. 358 of 2011, order came to be passed on 15/06/2013 thereby granting said prayer of which revocation was sought in Civil Mis. Application No. 310/2013 by the respondents claiming to be step brothers of the petitioners. Said proceedings No. 310/2013 came to be allowed vide impugned order dated 07/08/2015 which is questioned on the ground that the petitioners were neither given notice nor hearing, before passing order impugned.

2] If the aforesaid submissions are appreciated in the backdrop of reasons given in the order impugned, fact remains that petitioner has not disputed relationship with the respondent and that being so, they were necessary party to the heirship proceeding which were initiated by the petitioner being 358/2011 needs to be inferred. That being so, order of revocation of heirship certificate which was issued on 15/06/2013 appears to be just and proper.

3] No interference is called for in extraordinary jurisdiction. Petition as such fails, dismissed.

4] As far as heirship certificate being 358/2011 initiated by the petitioner are concerned, (if pending as on date, since they are pending for last 10 years), hearing is expedited.

[NITIN W. SAMBRE, J.]