

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

WRIT PETITION NO. 5841 OF 2020

Vishwanath Sangram Patre

.. Petitioner

Versus

Sunita Trimbak Kamanna and others

.. Respondents

Mr. R. K. Ashtekar, Advocate for the Petitioner.

Mr. N. R. Thorat, Advocate for Respondent Nos. 1 to 9.

CORAM : S. V. GANGAPURWALA, J.

DATED : 12th JANUARY, 2022.

PER COURT:-

. Mr. Ashtekar, learned counsel for the petitioner submits that the respondents had obtained heirship certificate pursuant to the death of deceased Sangubai. The respondents cannot be said to be the legal heirs. Deceased Sangubai executed a will in favour of the petitioner and the property was bequeathed to the petitioner. The petitioner had filed application for revocation of the certificate along with application for stay. The application for stay has been rejected. The respondents are not legal representatives of the deceased Sangubai.

2. Mr. Thorat, learned counsel for the respondents submits that deceased Sangubai had not executed any will. The will is not proved. The petitioner has not taken up any proceedings on the basis of the

will. The learned counsel further submits that the petitioner has remedy of appeal and the present writ petition would not be tenable.

3. The pendency of the proceedings filed by the petitioner for revocation of the certificate is not disputed.

4. This Court on 28.08.2020 passed an order directing the parties to maintain *status quo*. In fact, the said order would not inure to the benefit of any party. The cause for justice would be sub-served by directing the Court to decide the proceedings filed by the present petitioner for revocation of the certificate on its own merits expeditiously.

5. In the light of that, writ petition is disposed of. No costs.

6. The order of *status quo* passed by this Court on 28.08.2020 and continued from time to time is continued till the decision in the proceedings filed by the petitioner for revocation of the certificate. The Court where the said proceedings are pending shall endeavour to decide the proceedings expeditiously and preferably within a period of six (06) months from today.

7. It is made clear that, this Court has not opined on the merits of the matter.

(S. V. GANGAPURWALA)
JUDGE

RS.B.