

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

912 WRIT PETITION NO.12815 OF 2022

**TUKARAM NAGORAO SOLANKE AND OTHERS
VERSUS
KAWERI TUKARAM SOLANKE**

...
Advocate for Petitioners : Mr. P.B. Rakhunde h/f.
Mr. Shivaji Bhimrao Bhapkar
...

CORAM : SANDEEP V. MARNE, J.

DATE : 15-12-2022

PER COURT :

. By this petition, petitioners have challenged the order dated 27.09.2022 passed by the Jt. Civil Judge Junior Division Parli- Vaijnath rejecting their application at Exh.134 in R.C.S. No.32 of 2015 seeking direction against plaintiff to produce history regarding change of her name in Aadhar card.

2. The application filed by petitioners / defendants in my view was completely misconceived. Plaintiff has filed a suit seeking partition against defendants, who are plaintiff's parents, brothers and sisters. It is the assertion of defendants that plaintiff converted to Islam and that therefore she has no right in the joint family property. In order to assist defendants to prove such assertion of alleged conversion by plaintiff to Islam, application at Exh.134 was filed seeking direction against plaintiff to produce the history of change of

her name in Aadhar card.

3. In my view, since defendants are asserting that plaintiff converted to Islam, the burden of proving that assertion rests solely on the shoulders of defendants. Mere change of name, in my view, will not automatically prove conversion to another religion.

4. The next hurdle in the way of defendants is to demonstrate before the trial Court that due to conversion to another religion, plaintiff has automatically lost her all rights in the suit property. In such circumstances, the prayer made by defendants in application at Exh.134 was clearly misconceived. The application has rightly been rejected by the trial Court.

5. Writ Petition is devoid of merits and the same is dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)