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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.17 OF 2022

ALONG WITH

WRIT PETITION NO.10632 OF 2016

Mr. Manikchand Jain Applicant
Versus
Madhavlal N. Pittie & Anr. Respondents

Mr. Clive D'souza a/w. Mr. Chirag Mathuria for the Applicant.
Mr. Deepak Shukla i/b.M/s. B.N. Shukla & Co. for Respondent No.1.

CORAM : A.S. GADKARI, J.
DATE : 19th APRIL, 2022

PC. :

This is an Application for bringing legal heirs of the Sole-Petitioner deceased – Manikchand Jain on record.

The present Application is filed within the period of limitation.

2. Learned counsel appearing for Respondent No.1 vehemently opposed the Application and submitted that, in the death certificate annexed at page No.18 of the Application, the name of deceased is mentioned as 'Manakchand' and therefore it is not the death certificate of Petitioner 'Manikchand'.

3. This Court therefore called upon the Respondent to produce genuine death certificate of the Petitioner to which the Respondent has flatly

refused. During the course of arguments, though the Respondent has doubted *bonafide* of the death certificate of Petitioner, he could not substantiate the fact that, the legal heirs mentioned in the schedule of Application are not the legal heirs of sole Petitioner. It therefore appears to this Court that, the opposition of Respondent to the present Application is not genuine. The said opposition is therefore rejected at his threshold.

4. In view thereof and for the reasons stated in the Application, Application is allowed in terms of prayer clause (a).

5. Necessary amendment be carried out in the record of Court and simultaneously in the copy served upon the learned Advocate for the Respondents within a period of four weeks from today.

(A.S. GADKARI, J.)