

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRA NO. 57 OF 2018

1. Balbhim s/o Suryakant Biradar
2. Sow. Renuka w/o Vijaykumar Biradar
3. Nagraj s/o Suryakant Biradar
4. Sow. Umadevi w/o Sanjaykumar Biradar ..Petitioners

Versus

Nirmalabai w/o Rajkumar Jirge @ Nirmalabai
@ Shobhawati w/o Suraykant Biradar ..Respondent

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Advocate for Petitioners : Mr. S.B. Gastgar

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CORAM : S.G. MEHARE, J.

DATED : DECEMBER 07, 2023

PER COURT:-

1. Heard learned counsel for the petitioners. None present for the respondent.
2. The petitioners approached this Court against the two concurrent judgments granting a joint legal heirship certificate in the name of petitioners and respondent.
3. The petitioners have a case that the respondent was not the legally wedded wife of their father. Hence, she was not entitled to get the legal heirship certificate. Both Courts considering the facts of the case and *prima facie* material available before the Court, held that the respondent proved that she was the wife of the deceased father of

the petitioners. It is not the case that the Court denied the legal heirship certificate to the petitioners.

4. Learned counsel for the petitioners would submit that both Courts did not consider the fact that respondent was not the legally wedded married wife of their father. There was contra evidence to believe the petitioners' case. Her earlier husband was alive, therefore, she could not have been granted legal heirship certificate.

5. None present for the respondent.

6. Perused the impugned judgments and orders of both Courts. The Court appears to have appreciated the fact along with the documents placed on record and correctly granted the certificate of legal heirship in favour of all, the petitioners and respondent. The certificate granted under the Bombay Regulation Act, 1827 is based upon the *prima facie* enquiry. The enquiry made in this proceeding does not determine the rights of the parties. The parties have an option to get their civil right decided in the Competent Court of law. Legal heirship certificates are issued only for representing the properties of the deceased.

7. The impugned judgment does not reflect any illegality. No serious harm is caused to the petitioners. There is no substance in the revision application. Hence, the revision application stands dismissed.

(3)

8. No order as to costs.

(S.G. MEHARE, J.)