

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO.9832 OF 2013

NAGNATH NAGNATH VAZIRE
VERSUS
MAROTI LAXMAN VAZIRE

...
Advocate for Petitioner : Ms. Ansari Asfia Nuzhat
Advocate for Respondent : Mr. Gaikawad Pandurang M.

...
WITH WP/9834/2013
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08th February, 2023

PER COURT :

1. The present proceedings involved dispute as regards the legal heirship of the deceased Parvatabai. The petitioner claim that the petitioner is the legal heir by virtue of being an adopted son of deceased Parvatabai. Whereas the respondent claim that he is the nephew of Parvatabai, who was issueless, as such he is the legal heir to Parvatabai.

2. The issue of succession will have be determined finally by the Civil Court. In the present proceeding, the authorities have directed Tahsildar to conduct an inquiry as to the legal heirship of deceased Parvatabai before making the mutation entry. Since the authority has only directed the Tahsildar to conduct an inquiry as to the legal heir of

Parvatabai, and thereafter, to make the mutation entry as to the successor of Parvatabai, I do not see any error in the impugned orders passed by the authorities. However, it is clarified that, any order passed by the Revenue Authority would be subject to an outcome of a civil suit that may be initiated by either of the parties.

3. With the above observations, the present writ petitions stand disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.