

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

CIVIL REVISION APPLICATION NO.74 OF 2023

Raghunath Vitthal Badgujar,
Age : 55 years, Occu : Agri.,
R/o Sonshelu Post Methi,
Tq. Sindkheda, District Dhule.

... **Applicant.**

Versus

1. Lata Bhika Badgujar,
Age : 55 years, Occu. HH,
2. Vijay Bhika Badgujar,
Age : 35 years, Occu. Service,
3. Kanchan Bhika Badgujar,
Age : 33 years, Occu. Nil,
4. Mahendra Bhika Badgujar,
Age : 33 years, Occu. Education,

All R/o Flat No.5, Plot No.94,
Shriganesh Apartment, Sector No.6,
Sant Nagar, Moshi Pradhikaran,
Tq. Haveli, District Pune.

5. Executive Engineer,
Kukadi Plant Land Development Department,
Ahmednagar.
6. Ananda Raghunath Badgujar,
Age : 36 years, Occu. Nil,
R/o Sonshelu,
Tq. Sindkheda, District Dhule.

... **Respondents.**

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Advocate for Applicant : Mr. Vivek Vasantrao Bhavthankar.
Advocate for Respondent No.2 : Mr. Ajay T. Kanawade.
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CORAM : S. G. MEHARE, J.

DATE : 23.08.2023

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

2. The present applicant is the brother of the husband of respondent No.1 Lata. Her husband was serving in Irrigation Department. He and his legal heirs, the wife, sons and daughter were residing at Ahmednagar for sufficient time. He died at Ahmednagar. After the death of Bhika, his legal heirs i.e. respondent Nos.2 to 4 had filed an application for succession certificate. The present applicant had raised the objection on two grounds. Firstly, on the territorial jurisdiction of the Ahmednagar Court and secondly that he was the nominee in the service record of his deceased brother. Hence, he had right to claim his service benefits. Both Courts rejected the objection and granted the succession certificate in favour of the respondents.

3. Nominee is not the legal heir and has a right to claim the share in the property or service benefit of the deceased. Secondly, the deceased along with his family were residing at Ahmednagar and he died at Ahmednagar. Hence, the

Ahmednagar Court has the territorial jurisdiction. In view of the facts and law, the Court is of the opinion that none of the Courts have acted in exercise of their jurisdiction illegally or with material irregularity. Hence, the civil revision application stands dismissed.

4. Cost of Rs.10,000/- be paid to respondent Nos.1 to 4 within two (2) months from today. If he would not pay the amount directly to respondent Nos.1 to 4, they shall be at liberty to file a contempt petition before the Trial Court.

5. Rule stands discharged.

(S. G. MEHARE, J.)

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vmk/-