

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

CIVIL REVISION APPLICATION NO.213 OF 2016

**TARAMATI BABASAHEB SHINDE AND ANOTHER
VERSUS**

SARASWATI BABASAHEB SHINDE AND OTHERS

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Advocate for Applicants : Mr. Milind M. Patil (Beedkar)

Advocate for Respondent Nos.1 to 4 : Mr. P.S. Agrawal

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CORAM : S. G. MEHARE, J.

DATE : 31st OCTOBER, 2023

PER COURT :

1. Heard learned counsels for the respective parties.
2. The applicants have impugned the two concurrent judgments refusing them the succession certificate. Applicant No.1 claims that she was a legally married wife of deceased Babasaheb s/o Karbhari Shinde and they had blessed with applicant No.2.
3. Learned counsel for applicants vehemently argued that both the Courts have erred in appreciating the evidence. They had ample material before them to believe that applicant No.1 was legally wedded wife of deceased Babasaheb Shinde and applicant No.2 is their son. By denying the status of applicant No.1 as a wife, it has created chaos and she had been deprived of her legal right to succeed and receive service benefits of deceased Babasaheb. Learned counsel for applicants has vehemently argued that the

purport of the inquiry under Section 372 of the Indian Succession Act, was not properly understood by both the Courts. The applicants had a better title. Both the Courts misread the evidence and the law. Learned counsel for applicants has referred to the findings of both Courts and prayed to allow the revision application.

4. Per contra, learned counsel for respondents, who have also claimed to be wife and children of deceased Babasaheb Shinde, has vehemently argued that on appreciating evidence in summary inquiry, both Courts have correctly held that the applicants have failed to prove that they were successors of Babasaheb Shinde. He would submit that, before the alleged matrimonial relationship with deceased Babasaheb, applicant No.1 had two marriages and applicant No.2 was a child from her first husband. She had filed application under Section 125 of Cr.P.C. which was disposed of without merit. However, in that case, Babasaheb had denied relation with applicant No.1 as husband and wife, in his reply. It has been proved on record that during the subsistence of so-called relationship, she was getting benefit of the Government schemes in the name of her earlier husband. Tahsildar has been examined and it is proved that she was getting the benefits of Government Schemes under the name of her first husband.

5. Perused both the impugned judgments and orders. It

appears that the Courts have correctly appreciated the evidence and in a summary inquiry correctly held that respondents had better title. No errors have been committed in both the judgments and orders. Unfortunately, the parties are fighting for a succession certificate since 2010 and the applicants did not go to the Civil Court to get their right determined. There is no bar to file civil suit, though succession certificate is denied to them. Be that as it may, there is nothing arguable before the Court in this revision. Hence, the revision stands dismissed. No order as to costs.

(S. G. MEHARE, J.)