

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.97 OF 2023

1. Bhanudas s/o. Tulshiram Dalvi,
Age 65 years, Occu. Agri.,
2. Dnyanoba s/o. Tulshiram Dalvi,
Age 61 years, Occu. Agri.,
3. Eknath s/o. Tulshiram Dalvi,
Age 56 years, Occu. Agri.,
All R/o. Bundelpura Near Old Police
Station, Kadba Galli, Beed,
Taluka and District Beed

.. Applicants
(Original Respondents)

Versus

1. Vishnu s/o. Tulshiram Dalvi,
Age 62 years, Occu. Labourer
2. Devubai w/o. Chagan Dalvi,
Age 65 years, Occu. Agri.,
3. Shivaji s/o. Tulshiram Dalvi,
Age 61 years, Occu. Labourer,
All R/o. Bundelpura Near Old Police
Station, Kadba Galli, Beed,
Taluka and District Beed

.. Respondents
(Respondent No.1/original applicant
and Respondents No.2 and 3/
original Respondents No.4 and 5)

Mr. N. L. Jadhav, Advocate for Applicants

CORAM : S. G. MEHARE, J.

DATE : 30-10-2023

PER COURT :-

1. Heard the learned counsel for the appellants.
2. The appellants approached this Court against the order of the learned trial Court and the first Appellate Court, cancelling the succession certificate obtained by them fraudulently.

3. The opening argument of the learned counsel for the applicants before this Court were that same Court has no power to revoke the succession certificate. This legal aspect has not been considered by the learned first Appellate Court. The appeal is without jurisdiction, hence, the impugned orders are void *ab-initio*.

4. On facts, both Courts have recorded the findings that the present applicants have obtained the succession certificate from the Court by concealing the material fact, and accordingly, they have revoked the order issuing the succession certificate.

5. Section 384 of the Indian Succession Act, 1925 provides for revocation of a succession certificate under this Part by the same Court, if it has been obtained fraudulently by making a false suggestion or concealment from the Court somethings material to the case.

6. In view of the above provision, there appears no substance in the arguments of the learned counsel for the applicants that the same Court granting succession certificate has no power to revoke the certificate. There is nothing wrong in the impugned judgments and orders of the learned trial Court and first Appellate Court.

7. Hence, the civil revision application is dismissed at the admission stage without notice to the respondent.

**(S. G. MEHARE)
JUDGE**