

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

CIVIL REVISION APPLICATION NO.119 OF 2021

ANJANA KALYAN MANE
VERSUS
MANISHA SUKHDEV MANE AND ANOTHER

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Ms. S. G. Mapari, Advocate for the Applicant.
Mr. N. B. Jadhav, Advocate for the Respondent No. 1.
Ms. K. S. Bhale, Advocate for the Respondent No. 2.

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CORAM : R.M. JOSHI, J

DATE : MARCH 15, 2023

PER COURT :

1. By this revision application, original Respondent No. 1 in Civil M.A. No. 10/2015 is taking exception to the order dated 20.11.2019 passed by C.J.S.D., Shrigonda under Section 372 of Indian Succession Act of granting succession certificate in favour of original applicant and the Respondent No. 2. The only contention of the present applicant is that she did not get proper opportunity to substantiate her claim before the C.J.S.D. and therefore, the order was challenged before the Additional District Judge – 2, Shrigonda.

2. Perusal of the order passed by the District Judge, Shrigonda indicates that no reason for not adducing evidence before trial Court was mentioned

in application Exhibit 19. It is not case of the applicant that said observation is factually incorrect. Learned District Judge seems to have recorded proper reason for not considering the request of the Applicant to lead additional evidence. Here in this application, oral statement is sought to be made that due to the mistake of the Advocate said documents were not produced on record and on that ground remand is sought.

3. There is absolutely nothing on record to indicate that at any point of time the present applicant had made such grievance against her Advocate either before the trial Court or the District Court. It is not in dispute that though the Applicant herein claims succession certificate as wife of deceased Sukhdeo, there is no denial of the fact that applicant is already married to another person and said marriage subsists even as of date. In such circumstances, there is no propriety in remanding the present matter back to the District Court for decision afresh. In the result, Application stands dismissed. No order as to costs.

(R.M. JOSHI, J.)