

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

CIVIL APPLICATION NO. 13215 OF 2023
IN
CIVIL REVISION APPLICATION (ST) NO. 32574 OF 2023

Salamatullah S/o Farzand Ali,
(Since Deceased through L.Rs)

1. Akhtarunnisa Salamatullah Kidwai,
Age : 79 Years, Occ. Nil,
2. Mushtaque Ahmed Salamatullah Kidwai,
Age : 66 Years, Occ. Labour
3. Shaikh Taherabano Shabbir Shaikh,
Age : 59 Years, Occ. Household
4. Nisar Ahmed Salamatullah Kidwai,
Age : 61 Years, Occ. Labor
5. Faridabano Salamatullah Julah,
Age : 59 Years, Occ. Household
6. Ayesha Sher Ali,
Age : 58 Years, Occ. Household
7. Shabana Faruk Shaikh,
Age : 54 Years, Occ. Labor
8. Faruk Salamatullah Kidwai,
Age : 53 Years, Occ. Labour
9. Mohammad Shaid Salamatullah Kidwai,
Age : 51 Years, Occ. Labour
10. Majid Ahmed Salamatullah Kidwai,
Age : 49 Years, Occ. Labour
11. Sajid Hussain Salamatullah Kidwai,

Age : 48 Years, Occ. Labour

All Resident of Deopur, Dhule

.. Applicants

VERSUS

1. Kamarbano Farzandali,
Age : 52 Years, Occ. Nil

2. Sultana Farzandali,
Age : 56 Years, Occ. Nil

3. Parveen Parvez Khan,
Age : 46 Years, Occ. Nil
All R/o. Nehru Nagar, Deopur,
Dhule

4. Javid Hussain Salamatullah Kidwai,
Age : 79 Years, Occ. Labour,
R/o. Nehru Nagar, Deopur,
Dhule.

.. Respondents

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Advocate for the applicants : Mr. G.R. Syed

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CORAM : S. G. MEHARE, J.

DATE : 28.11.2023

PER COURT :

1. Heard the learned counsel for the applicants.

2. This is an application for condonation of delay of 674 days in preferring the Civil Revision Application against the judgment and order of learned District Judge-5 Dhule passed in Regular Civil Appeal No. 18/2018.

3. The applicants case is that he is one of the legal heir who has share in the suit properties. However, the learned trial Court did not consider him as a person interested in the properties involved. The learned trial Court refused to accept him as a legal heir of deceased Qaisar. The appeal preferred by the applicant was also dismissed holding that the applicant failed to prove that he was the only legal heir of deceased Qaisar.

4. The learned counsel for the applicant would submit that the substantial right of the applicant has been affected. The properties involved in the suit were house and fair price shop.

5. There are two concurrent judgments against the applicants. The parties had disputing about the heirship. The enquiry under the Bombay Regulation Act and Indian Succession Act is a limited enquiry. The proceedings under these Acts do not bar the Civil Courts jurisdiction from determining the rights of the parties. Therefore, the apprehension of the applicant that the impugned orders would come in his way if he goes to the Civil Court is unfounded. Considering the impugned orders this Court is of the view that the applicants have no good case on merits. Hence, the following order.

ORDER

- (i) The application stands dismissed.
- (ii) The applicants are at liberty to approach the Civil Court to prove their status arising out of the rights they are claiming.

(S. G. MEHARE)
JUDGE

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