

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

CRA NO.216 OF 2016

**NIKHIL RAJENDRA MAHAJAN
VERSUS
CHANDRASHEKHAR VISHWANATH MAHAJAN AND OTHERS**

Mr. R. R. Deshmukh, Advocate h/f Mr. R. B. Deshmukh, Advocate for the applicant

CORAM : R. M. JOSHI, J.

DATE : 28th APRIL, 2023

P.C. :-

1. Heard.
2. This civil revision application applicant in RCA No. 204/2013 takes exception to the judgment dated 20/08/2016.
3. Kashinath Mahajan died on 03/10/2011 and left behind him fixed deposit receipts. The respondents are brother and sister of Kashinath. They applied for succession certificate and the same was granted in Civil Misc. Application No. 184/2012 on 18/12/2012. The present applicant preferred revision application against the said order with the contention that he is a nominee in respect of the fixed deposit receipts with State Bank of Hyderabad, branch Latur. On this ground he sought revocation of the succession certificate.
4. Learned counsel for the applicant states that he being

nominee of the fixed deposit receipts is entitled to receive the said amount to ultimately distribute it amongst the heirs of deceased. He however was unable to show that any claim being made by him before the Appellate Court that he is one of the legal heirs and entitle to get the the succession certificate along with respondents.

5. Once the applicant has approached to the First Appellate Court with a specific plea that in the capacity of the nominee he is raising objection to grant of succession certificate, as rightly held by the Appellate Court the nominee cannot be considered as the legal heir in order to get succession certificate in his name. In this regard for want of a specific case being made out by the applicant herein before the First Appellate Court about his entitlement to get the succession certificate, there was no other option for the Appellate Court but to reject his contention.

6. In the exercise of jurisdiction under Section 115 of the CPC this Court find that the Appellate Court has not exceeded its jurisdiction in order to cause any interference in the impugned judgment. In the result, the application deserves to be dismissed and accordingly dismissed. No order as to costs.

(R. M. JOSHI, J.)

ssp