

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16088 OF 2022

Mr. Manohar Tayappa Sonawane

...Petitioner

Versus

The State of Maharashtra
Through GP And Ors.

...Respondents

...

Mr. Vinod Pandey i/by Mr. Pinttu R. Chauraria, for Petitioner.

Mrs. V.S. Nimbalkar, A.G.P., for Respondent Nos.1 & 4.

...

CORAM : SANDEEP V. MARNE, J.

DATE : OCTOBER 06, 2023.

P.C.:

1. The challenge in this Petition is to the order dated 29 August 2019 passed by the Grievance Redressal Committee, Mumbai City rejecting Appeal No.210 of 2018. The appeal was instituted by Smt. Lila Subhash Bagade. She has expired during pendency of the Appeal on 18 April 2019. Mr. Manohar Tayappa Sonawane claims to be a beneficiary of will executed by Smt.Lila Subhash Bagade. Smt.Lila Subhash Bagade was declared ineligible for the reason of failure to produce evidence of residence in the structure one year prior to the preparation of Annexure-II. The Annexure-II was prepared on

19 January 2016. Thus, it was incumbent for said Smt.Lila Subhash Bagade to prove residence in the structure as on 19 January 2015.

2. After having heard the learned counsel appearing for the Petitioner, he is not able to invite my attention even to a single document which could prove that Smt.Lila Bagade was residing in the structure in question on 19 January 2016. His reliance on the Aadhar Card, Ration Card and Bank Passbook do not show residence of Smt.Lila Bagade as on 19 January 2015. On the contrary there are couple of documents which tend to show that she was not residing in the structure in question. She applied for issuance of new electricity connection to the BEST on 4 January 2019, the connection appears to have been issued on 24 April 2019 i.e. after her death on 18 April 2019. The learned counsel for Petitioner would submit that the application for fresh electricity connection was required to be made as the electricity was disconnected on account of non payment of the dues. However, if that was the case, the Petitioner ought to have produced the electricity bills in respect of the years 2015-2016 which are not placed on record. In the death certificate of Smt.Lila Bagade her address is different from the structure in question.

3. The Grievance Redressal Committee has considered all the documents and applied its mind. The findings do not suffer from the vice of

perversity. Interference by this Court in exercise of jurisdiction under Article 227 of the Constitution of India would not be warranted in such circumstances. Writ Petition being devoid of merits, is dismissed without any order as to costs.

(SANDEEP V. MARNE, J.)