

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO. 140 OF 2023**

Ramesh Manikrao Wath and anr\_\_ Vs. \_\_ Divya Chandrashekhar Wath & anr

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. Vishal Anand, Advocate for petitioner.

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 09/01/2023**

Heard Mr. Anand, learned counsel for the petitioner.

The petition challenges the order dated 29.11.2022 passed by the learned Civil Judge Junior Division, Buldhana, rejecting the application below Exh.25 filed by the present petitioners, seeking impleadment in proceedings filed under the Bombay Regulation, 1827, for grant of legal heir certificate in respect of deceased Chandrashekhar Wath.

Admittedly the petitioner No.1 is not a class-I legal heir, but the father of the deceased. Admittedly, there are class-I legal heirs of the deceased Chandrashekhar Wath present, who have filed the proceedings under the Bombay Regulation (viz. Respondent No.1 - the widow and Respondent No.2 – mother) in view of which since the present petitioners are admittedly Class-II L.Rs, the application at their behest would not be maintainable as there is no plea that any Will has been executed by the deceased

(2)

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Chandrashekhar Rameshrao Wath. I therefore do not see any reason to interfere in the impugned order. The petition is dismissed. No costs..

**JUDGE**

*Rvjalit*