



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 2794 OF 2024

RAM NIVRATI KAKADE DIED THR LRS PADMINBAI RAM KAKADE
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR
AND OTHERS

...

Advocate for the Petitioner :

Mr. V. G. Kodale h/f. Mr. Gunale Vishwamber Digamberrao

Advocate for Respondents : Ms. R. R. Tandale

...

WITH

WRIT PETITION NO. 2795 OF 2024

RAM NIVRATI KAKADE DIED THR LRS PADMINBAI RAM KAKADE
AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR
AND OTHERS

...

Advocate for the Petitioner :

Mr. V. G. Kodale h/f. Mr. Gunale Vishwamber Digamberrao

Advocate for Respondents : Ms. R. R. Tandale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 12th MARCH, 2024

PER COURT:

1. Heard.
2. The petitioners have not denied that Usha Ramesh Mane and Kusumbai Kamlakar Pawar are the daughters of the deceased Ram Nivrati Kakade and that the respondents no.3 to 7 are the legal heirs / children

of Usha and Kusumbai. The only contention raised is that the petitioners are the only legal heirs of Ram Kakade.

3. Even if it is assumed that the property is a self acquired property of Ram Nivrati Kakade, in view of Section 8 of the Hindu Succession Act, 1956, the property devolves on Class I heirs of the schedule. Since, children of predeceased daughters are already included in Class I, as such, respondents no.3 to 7, who are sons and daughters of the predeceased daughters are also the legal heirs of the deceased.

4. Since, there is no dispute as regards that respondents no.3 to 7 are the children of the deceased of Ram Nivrati Kakade, contention of the petitioners cannot be accepted. The trial court has rightly accepted the applications of the respondents to be the legal heirs of the Ram Nivrati Kakade below Exhibit 34 / Exhibit 38, in respective matters.

5. Both the writ petitions stand dismissed.

[ARUN R. PEDNEKER, J.]

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