



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 3162 OF 2024

Kishanrao Govindrao Bhosale

VERSUS

Hasondin Shmshuddin Siddiqui Kazi

...

Advocate for the Petitioner : Mr. Mahesh P. Kale

...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 19, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner.
2. By way of present writ petition, the petitioner is challenging the impugned order dated 5.2.2024 passed by the learned Civil Judge, Junior Division, Sonpeth, District Parbhani below Exh. 10 in Civil M.A. No. 53/2023 by which the objection taken by the petitioner herein was rejected.
3. The applicant/respondent herein filed application for issuance of legal heirship certificate. The petitioner herein filed objection to the said application on various grounds like the plaintiff and other legal heirs have not filed any evidence about the residence of the deceased in the village and the deceased has no concern with the property. The learned trial Court rejected the application by observing that it is well settled that the grant of the legal heirship certificate is only a formal recognition of existing status of a party as an legal heir and beyond that it is of no significance and there is nothing on the record which discards the status of the applicant/respondent as legal heirs of the deceased and rejected the objection of the petitioner.

4. Legal heirship certificate is only a formal recognition of existing status of a party and legal heirship certificate does not create any right upon any property and it is mere recognition of being legal heir of deceased. The petitioner would be entitled to defend the claim of the applicant/respondent on the basis of legal heirship certificate before appropriate court. The trial Court has rightly rejected the objection of the petitioner. In the result, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/