



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO. 4071 OF 2024

Sharad Shrikishan Shinde

VERSUS

The State Of Maharashtra Through The Collector And Others

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Advocate for the Petitioner : Mr. V.V. Bhavthankar

AGP for Respondent/State : Mr. V.M. Chate

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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 order dated 23.2.2024 passed below Exh. 40 in C.M.A. No. 855/2022 passed by the learned 10th Jt. Civil Judge, Senior Division, Aurangabad, by which the objection raised by the present petitioner for grant of legal heirship certificate is rejected.
3. C.M.A. No. 855/2022 is filed by the respondents herein i.e. wife and daughter of the deceased for grant of legal heirship certificate in respect of the flat situated at Aurangabad. It is the contention of the petitioner that Spl. Civil Suit No. 123/22 was filed by him and in that suit, the ownership of property in respect of which legal heirship certificate is sought is in dispute. Present petitioner has already filed objection at Exh. 28. in the said proceeding and there is no reason for making another application. In view of the same, the learned trial Court has rejected the objection of the

petitioner on the ground that it is well settled that the grant of legal heirship certificate is only a formal recognition of existing status of a party.

4. Admittedly, the respondents herein i.e. wife and children are the legal heirs of the deceased Shrikant and legal heirship certificate is only formal recognition of existing status of a party and legal heirship certificate does not confer any right on the legal heirs upon any property. In the event, the petitioner has right over the property, he would be entitled to defend the same in the appropriate proceeding before the appropriate court. Since legal heirship certificate is merely recognition of existing status of the party, the objection raised by the petitioner is not maintainable. The Trial Court has rightly rejected the objection of the petitioner. As such, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/