



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5032 OF 2023

Anandrao Devrao Ubale

VERSUS

Rakhmabai Vitthal Nitnaware

...

Mr. Somnath Nagode h/f Mr. S. S. Jadhav, Advocate for
the Petitioner

Mr. A. G. Kanade, Advocate for Respondents

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CORAM : R.M. JOSHI, J

DATE : JULY 22, 2024

PER COURT :

1. After hearing learned Counsel for both sides for some time, learned Counsel for Petitioner, on instructions, makes statement that he would file an application raising objection to grant of heirship certificate to the Respondent under the Bombay Regulation VIII of 1827 within 15 days.

2. This contention is opposed by learned Counsel for Respondent by referring to the order passed by this Court dated 22.06.2023 wherein it is recorded that Petitioner has filed application but same is not accepted by the Trial Court. It is his submission that the said order of not accepting the application be challenged.

3. It is not the case wherein the application filed by the Petitioner has been decided by the learned Trial Court. When it is specifically stated that application has not been accepted, the question of passing any order and consequent challenge thereto does not arise.

4. It is open for the Petitioner to raise an objection for grant of heirship certificate as contemplated by relevant regulation. Petition is disposed of with liberty as prayed for.

5. If application is filed within 15 days, the same shall be entertained and appropriate order be passed thereon. In case, Petitioner fails to file application within stipulated period, his right to raise objection stands forfeited. Learned Trial Court to decide this application as expeditiously as possible.

(R. M. JOSHI, J.)

Malani