



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

Writ Petition No.6978/2022
(Jagdish V Chaya and others)

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

Court's or Judge's orders

Mr. N.B. Kalwaghe, Advocate for petitioner.
Mr. J.B. Kasat, Advocate for resp. nos.1 to 4.

CORAM : N.R. Borkar, J.
DATE : 23-09-2024.

This petition takes exception to the order dated 19-10-2022 passed by the learned Civil Judge, Junior Division, Chikhali.

ii. This petition arises out of an application filed by the respondents, who are widow and children of the deceased Mahesh Rupareliya for Legal Heir Certificate under the provisions of the Bombay Regulation Act, 1827.

iii. The mother of the deceased was not made party to said proceedings. The application was therefore filed by the mother of the deceased. It was alleged that the deceased had executed Will in her favour in respect of the properties owned by him. Though initially she got herself impleaded as applicant however on the basis of said Will she got herself transposed as non-applicant. As she expired the present petitioner has filed

application for substitution alleging execution of Will by her in his favour.

iv. The learned trial Court has rejected the said application by the order impugned.

v. Learned Counsel for the petitioner has drawn my attention to the order passed by this Court dated 27-07-2022 in Writ Petition No.3250/2022. Learned Counsel for the petitioner submits that in view of the observations made by this Court, the learned trial Court ought to have allowed the application filed by the petitioner.

vi. In the proceedings for issuance of legal heir certificate, except the question whether the parties are the legal heirs of the deceased or not, no other question can be examined. In that view of the matter, I am not inclined to entertain this petition.

vii. The petition is dismissed.

(N.R. Borkar, J.)