



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

Writ Petition (WP) No. 6841 of 2024

Maya Wd/o Sukhdeo Gajbhiye

Versus

Sunita D/o Sukhdeo Gajbhiye and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R.Fule, Advocate for the petitioner.

CORAM : N.R.BORKAR, J.

DATED : 27th NOVEMBER, 2024.

This petition takes exception to the order dated 30th September, 2024 passed by the District Judge-9, Nagpur below Exhibit 12 in Misc. Civil Appeal No. 283 of 2022.

2. The petitioner herein has filed the appeal against the order dated 6th September, 2022 passed by the 5th Joint Civil Judge, Senior Division, Nagpur in Succession Case No. 4 of 2009.

3. The operative part of the order passed by the Civil Judge, Senior Division dated 6th September, 2022 reads thus:

1] Application is allowed.

2] Issue succession certificate to Applicants 1. Sunita D/o Sukhdeo Gajbhiye, 2. Vanita D/o Sukhdeo Gajbhiye and non-applicant No.2 Vilas S/o Sukhdeo Gajbhiye to receive the service benefits of amount of Rs.3,65,200/- at the credit

and in the name of deceased Sukhdeo S/o Ramaji Gajbhiye alongwith interest.

3] The defendant No.3 to 6 shall recover the amount from non-applicant No.1 Maya Wd/o Sukhdeo Gajbhiye and non-applicant No.2 Vilas S/o Sukhdeo Gajbhiye to which they required to pay applicant No.1 and 2 and non-applicant no.2.

4] Applicant No.1, 2 and non-applicant No.2 to file indemnity bond for the amount of Rs.3,65,200/-. The non-applicant No.1 shall not cancel the bank guarantee given by her till the amount recovered.

5] The applicants shall pay the appropriate Court fees for the succession certificate.

4. By the order impugned, the learned District Judge has refused to stay the above order.

5. I have heard the learned counsel for the petitioner and perused the impugned order.

6. Considering the facts and circumstances, the following order is passed.

i. Learned District Judge, Nagpur shall decide the Misc. Civil Appeal No. 283 of 2022 within a period of three months from the date of receipt of the copy of this order.

7. The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]