



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

Writ Petition (WP) No. 7298 of 2024

Nirmala Ramdas Zarkar (died) through legal heirs Kanta W/o Vinayakrao
Panditkar and another
Versus
Bhavana Kiran Zarkar

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

Court's or Judge's Order

Shri P.U.Kavishwar, Advocate for the petitioners.

CORAM : N.R.BORKAR, J.
DATED : 18th DECEMBER, 2024.

This petition takes exception to the order dated 17th October, 2024 passed by the Civil Judge, Senior Division, Akola below Exhibits 27, 29 and 30 in Civil Miscellaneous Application No. 2218 of 2022.

2. The respondent no.1 herein has filed an application under Section 372 of the Indian Succession Act for grant of succession certificate in respect of debt and securities of her husband Kiran Zharkar who died

on 7th October, 2022. The mother of the deceased namely Nirmalabai was made a party to the application, who died during the pendency of the application on 20th April, 2023.

3. The petitioner is the daughter of Nirmalabai. By the order impugned the learned Trial Court has rejected the application filed by the petitioner seeking her impleadment as legal heir of Nirmalabai.

4. The learned counsel for the petitioner submits that the Trial Court has erred in rejecting the application by ignoring the compromise decree in a suit filed by Nirmalabai against respondent No.1. It is submitted that as per compromise decree, Nirmalabai was entitled to one half share in the properties owned by the deceased. It is submitted that the Trial Court therefore ought to have allowed the application as the petitioner being legal heir of Nirmalabai.

5. I have perused the impugned order. Considering the facts and circumstances of the case, I am

not inclined to interfere with the impugned order, however, it would be open to the petitioner to file Civil Suit.

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

[N.R.BORKAR, J.]