



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

948 CRA NO. 46 OF 2025

**LALITABAI MADHAVRAO SONSALE AND OTHERS
VERSUS
SUNANDA DATTATRAY WAGHMARE AND OTHERS**

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Advocate for the Applicant :Mr.Amol Chate h/f.Ms.Suryawanshi Pratibha H.
Advocate for Respondent No.1 :Mr.R.V.Patil h/f. Mr. Shahaji B.Ghatol
Advocate for Respondent No.3 : Mr. Santosh Ramrao Yadav (Lonikar)

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CORAM : SHAILESH P. BRAHME, J.
DATE : 16th JULY 2025

PER COURT :

. Heard learned counsel Mr.Patil for Respondent No.1 and Mr.Lonikar for Respondent No.3.

2. Applicants are assailing concurrent findings of fact recorded by courts below declaring that them as well as respondents as heirs of deceased/Madhavrao Sonsale and awarding them letter of administration and succession certificate.

3. Respondent No.1/Sunanda approached the court soliciting succession certificate and letter of administration contending that she is daughter of Madhavrao who died on 02.03.2012. He was employee of Respondent No.2. He had immovable properties and movable properties in the locker of the bank. She is born out of the wedlock of first wife of Madhavrao. After death of her mother, Madhavrao

contracted marriage with the Applicant No.1/Lalitabai. Applicant Nos.2 and 3 are the daughters born out of the subsequent marriage. She placed on record the documents to show her relationship with deceased/Madhavrao. It is contended that she is entitled to the retiral benefits, immovable properties and the movable properties of the deceased/Madhavrao.

4. Applicants contested the application contending that there is no relationship of Respondent No.1 with deceased/Madhavrao. It is further contended that the documents pressed into service are suspicious because different names are appearing in the documents casting doubt on the claim. As against that the service record of deceased/Madhavrao and other documents are placed on record to buttress the submission that Applicant No.1 is the wife and the Applicant Nos.2 and 3 are daughters of deceased/Madhavrao.

5. Parties adduced evidence of PW-1/Sunanda, PW-2/Sushilabai and deposition of applicant/Lalitabai. Considering the material on record, trial court vide its judgment and order dated 06.02.2021, partly allowed application declaring that applicants and the Respondent No.1 are the heirs of deceased/Madhavrao and granted succession certificate to receive the balance amount, ornaments in the locker maintained with the bank and retiral benefits. By further direction letter of administration is directed to be issued for the immovable properties in their joint name.

6. Being aggrieved applicants preferred R.C.A No.16 of 2021 before District Court which came to be dismissed on 21.10.2024.

7. Learned counsel for the applicants submits that Respondent No.1 did not place on record any cogent and corroborative evidence to show that she is daughter of deceased/Madhavrao. Only relying on her deposition both the courts below awarded succession certificate and letters of administration jointly. It is contended that the leaving certificate, Adhar card, caste certificate and marriage invitation card belie the claim of the Respondent No.1 as different names are shown. Both the courts below have failed to appreciate this aspect of the matter. It is submitted that undue reliance is placed on oral evidence of PW-2/Sushilabai. It is further submitted that the documents pressed into service by the applicants have not been properly appreciated which unequivocally corroborates the applicants claim.

8. *Per contra*, Mr.Patil and learned counsel Mr.Lonikar for the respondents supports impugned judgment and orders. They would submit that both the courts below have taken plausible and reasonable view. In the wake of independent evidence of PW-2/Sushilabai impugned judgment and orders can not be faulted.

9. I have gone through impugned judgment and orders passed by both the courts below. The proceedings initiated for heirship certificate or succession certificate under Section 372 of Indian Succession Act are summary in nature. The substantial rights and

liabilities of the parties can be adjudicated by approaching competent forum like civil court under Section 9 of C.P.C. In the present matter documentary and oral evidence is appreciated by courts below.

10. Applicants are denying the relationship of respondents with of deceased/Madhavrao. PW-2/Sushilabai happens to be real sister of deceased/Madhavrao. There is no reason to doubt her deposition. Both the courts below have appreciated her evidence. Learned counsel for the respondents is right in contending that she is an independent as well as reliable witness being close relative of the deceased/Madhavrao.

11. The leaving certificate and the caste certificate of the Respondent No.1 show different surname i.e Lathkar. Similarly, the marriage card produced by the Respondent No.1 is vulnerable. Apparently, there is a room to contend that Respondent No.1 has the surname Lathkar and not Sonsale. I have already recorded that for exercising summary jurisdiction the documents produced by the parties are adequate to come to the conclusion that the Respondent No.1 is related to deceased/Madhavrao. The findings recorded by both the courts below can be subject to outcome of any proceedings taken up by the parties before competent civil court.

12. Rival claims of the parties regarding the service benefits and for the immovable and movable properties can not be adjudicated in a summary manner. Deceased/Madhavrao contracted marriage

with the Applicant No.1 after death of his first wife and Applicant Nos.2 and 3 are daughters born out of the said wedlock. Prima-facie there is material to indicate applicants and respondent No.1 are class I heirs and they are entitled to succeed to the movable and immovable properties of the deceased/ Madhavrao. Both the courts below have arrived at reasonable and logical conclusion which needs no interference.

13. I find no substance in the revision application.

14. Civil revision application stands dismissed with clarification that it would be open for the parties to agitate their grievance before the competent forum.

[SHAILESH P BRAHME, J.]

vsj..