



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

FIRST APPEAL NO. 1389 OF 2024

Bhakti Sanjay Chaudhari (Ahirrao)
versus
Leelabai Chunnilal Chaudhari and others.

...

Mr. Pratap P. Mandlik, Advocate for appellant
Mr. L.V. Sangit, Advocate for respondents.

WITH

CIVIL REVISION APPLICATION NO. 10 OF 2025

Leelabai Chunilal Chaudhari and others.
Versus
Bharti Sanjay Chaudhari.

...

Mr. L.V. Sangit, Advocate for applicants.
Mr. P.P. Mandlik, Advocate for respondent.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26TH MARCH, 2025.

P.C. :-

1. Heard learned advocates for respective parties.
2. Both the proceedings take exception to the order dated 7.2.2024 passed by Joint Civil Judge (S.D.) Dhule, in Misc. Application No. 1147 of 2021 by which claim for grant of heirship certificate has been entertained and decided under provisions of the Bombay Regulation VIII of 1827.
2. Mr. Sangit, learned advocate appearing for the applicant in

CRA No. 20 of 2025 fairly submits that Bombay Regulation Act nowhere provides remedy against the order passed thereunder. However, provisions of the Civil Manual enables filing of appeal by applying provisions of Indian Succession Act, 1925. In support of his contention, he relies upon the judgment of this Court in the case of ***Yashoda Sambhaji Sawant Vs. Smt. Savtira Sambhaji Sawant, reported in 2012(1) ALL MR 103***, wherein this Court held that an order under Bombay Regulation Act can be subjected to appeal under Section 384 of the Indian Succession Act before the District Judge, and the order passed by the District Judge can be challenged by way of revision. Even the powers of review are retained.

3. Mr. Sangit, would further submit that in view of the notification issued by the High Court, any Civil Court, which for any enactment is subordinate or subject to control of District Judge shall be deemed to be a Court inferior to the District Judge.

4. In that view of the matter, both the learned advocates appearing for respective parties in CRA as well as First Appeal seek permission to withdraw the proceeding to enable them to file appropriate proceeding before the District Judge. In the result, permission is granted. In case any proceeding is filed before the District Judge, the time consumed in prosecuting present proceeding would be considered for the purpose of limitation.

5. Civil Revision application and First Appeal stand disposed of. Pending civil application also stands disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-