



(This order is modified by order dated 23.09.2025)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5842 OF 2024

Madhuri Ashok Adkine
VERSUS
Kamlabai Baliram Adkine And Another

- Ms. A. S. Jadhav h/f Mr. S. R. Sarwade, Advocate for the Petitioner
- Mr. N. K. Tungar, Advocate for the Respondents

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 10, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.
2. In this Petition exception is taken to order passed below Exh. 36 dated 30.01.2024 in Misc. Civil Application No. 303/2020 where an application filed by Respondent for suspension of proceedings till disposal of the Special Civil Suit No. 25/2020 came to be allowed.
3. Learned Counsel for the Petitioner submits that proceedings under the Bombay Regulation Act, 1827 filed by the Petitioner are only for the purpose of obtaining heirship certificate. It is her submission

that even if heirship certificate is issued, it does not confer any right in favor of the parties. It is further argued that there is no provision under the Code of Civil Procedure for suspension of the proceedings in this manner.

4. Though learned Counsel for Respondents has attempted to support the impugned order, he was not able to show any provision which permits the Court to suspend the proceeding as done by impugned order.

5. Even if it is accepted for the sake of argument that there is objection raised to the right of the Petitioner to obtain heirship certificate on the ground that she has performed second marriage, still the proceedings for heirship cannot be stayed on that ground. Pertinently, the Respondent herein is also party to the said proceedings and it is open for the Respondent to raise objection permissible in law before the Court.

6. In view of above discussion, learned Trial Court ought not to have exercised powers for suspension of the proceedings and hence, impugned order is set

aside. Petition stands allowed in terms of prayer
clause 'A'.

(R. M. JOSHI, J.)