



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9703 OF 2022

Manoj Gautam Deore And Another
VERSUS
The State Of Maharashtra Through Collector

- Mr. R. M. Jade, Advocate for the Petitioners (VC)
- Mr. N. D. Raje, AGP for the Respondent/State

CORAM : R. M. JOSHI, J
DATE : FEBRUARY 11, 2025

PER COURT :

1. This Petition takes exception to the order dated 17.01.2022 passed by the Ad-hoc District Judge – 3, Aurangabad in RCA No. 119/2021 whereby Appeal came to be dismissed.

2. Petitioners filed application for being Misc. Civil Application No. 715/2021 for obtaining heirship certificate in respect of their deceased mother Ranjana Gautam Deore who died on 09.08.2020. It is claimed that deceased was working as Peon with Life Insurance Corporation of India, Aurangabad. It is further claimed in the said application that she was pre-deceased by her son Dhananjay and her husband on 13.12.2003 and 16.05.2006 respectively.

3. The application for heirship came to be rejected on the ground that there is no evidence to indicate that Dhananjay, son of Ranjana, is dead. This order came to be challenged before Appellate Court. The Appellate Court also held that in absence of any evidence to indicate death of Dhananjay on 13.12.2003, no heirship certificate can be issued.

4. Learned Counsel for the Petitioners submit that an application is moved before the Authority Chhatrapati Sambhajinagar Municipal Corporation for recording name of Dhananjay Gautam Deore in the register of birth and death. He has drawn attention of the Court to the letter dated 29.11.2023. The said letter is taken on record and marked 'X' for identification.

5. Perusal of the said letter indicates that the Registrar of Birth and Death has intimated to the Petitioners about obtaining appropriate order from the Court for recording the name of the Dhananjay in the said register. Thus, unless his name is recorded in the death register, the Petitioner would not be entitled

for seeking any heirship certificate in respect of their mother Ranjana.

6. Learned Counsel for the Petitioners seeks disposal of the Petition with liberty to file fresh application after obtaining appropriate order from the Court and recording of the name of the Dhananjay in the death register.

7. Petition is dismissed with liberty as prayed.

(R. M. JOSHI, J.)