



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

981 WRIT PETITION NO. 10194 OF 2025

Ashwini Ganesh Patil And Another

VERSUS

The State Of Maharashtra Through Its Collector And Another

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Advocate for the Petitioner : Mr. D. A. Mane h/f Mr. Talekar Nagesh G.

AGP for Respondents-State: Mr. D. R. Korde

Advocate for Respondent No.2 : Mr. P. A.Bharat

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CORAM : ARUN R. PEDNEKER, J.

Dated : November 28, 2025.

PER COURT :-

1. Heard.

2. The learned Counsel appearing for the petitioner submits that respondent No. 2 is an elderly lady of 83 years old, the grandmother of petitioner No. 2 and the mother-in-law of petitioner No. 1. It is submitted that she has specifically filed an affidavit before this Court stating that she does not intend to claim any share in the estate of the deceased and does not wish her name to be shown as a legal heir. Similar Affidavit was filed before the Civil Court.

3. The Civil Court, however has granted legal heirship certificate in favour of all the legal heirs, as they are the legal heirs of the deceased. The learned Counsel further submits that respondent No. 2 does not desire that her name be included in the property of the deceased and, in view of the certificate issued, the petitioners are facing difficulty in incorporation their names as the legal heirs of the deceased in the property of the deceased.

4. Having considered the material, I do not find any error in the order passed by the Trial Court granting the certificate to all the heirs, as they are admittedly the legal heirs of the deceased. However, since the petitioners are facing practical difficulty, it is open to respondent No. 2 to give her no-objection or to relinquish her share before the concerned authority, and the concerned authority after due verification shall consider such willingness while dealing with the matter.

5. With the above observations, the petition stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.