



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

**REVIEW APPLICATION NO. 200 OF 2025  
IN WRIT PETITION NO. 5842 OF 2024**

**KAMLABAI BLAIRAM ADKINE AND ANOTHER  
VERSUS  
MADHURI ASHOK ADKINE**

Mr. N. K. Tungar, Advocate for the Applicants

Mr. A. S. Jadhav h/f Mr. S. S. Sarwade, Advocate for the Respondent

**CORAM : R. M. JOSHI, J.**

**DATE : 23<sup>rd</sup> SEPTEMBER, 2025**

**P.C. :-**

1. Not on board. Upon mentioning taken on board.
2. This application is filed by the original Respondent seeking review of the order passed by this Court on 10<sup>th</sup> September, 2025 in Writ Petition No. 5842 of 2024.
3. The basic contention of the Petitioner is that the regulation 4 (2) of the Bombay Regulation Act enables the Court to suspend the proceeding and observations of this Court that there is no such provision which permits the Court to suspend the proceeding is error committed on the face of the record and which needs to be corrected.
4. Heard the learned Counsel for both sides.
5. The facts which led to the passing of the said order indicates

that the proceeding was filed under the provisions of Bombay Regulation Act seeking heirship certificate. The said heirship certificate was opposed on the ground that the Applicant is admittedly the widow of the deceased who alleged to have remarried and therefore, she does not remain as a legal heir of deceased. The learned Trial Court suspended the said proceeding in view of the pendency of the Spl.C.S. No. 25 of 2020 which involves the same issue.

6. No doubt, the regulation 4 (2) provides for the power with the Court to suspend the proceeding in case of any complicated question being involved until question has been tried by a regular suit instituted by one of the parties.

7. Though such provision is available, the same would be invoked only in case issue of any complicated nature is required to be decided in a suit. Herein this case, admittedly the applicant is widow of the deceased and question was raised to her status only in view of the fact that she was remarried. Thus, even in the suit bearing Spl.C.S. No. 25 of 2020, no complicated question of law or fact is required to be decided. In the light of these facts, the order passed by the Trial Court was found not to be sustainable.

8. This Court, however, has erred in making observation that there being no such power to suspend the proceeding filed under

regulation. This being error apparent on the face of the record, needs correction. It is, therefore, held that the power to suspend the proceeding exist in the Bombay Regulations but the Trial Court ought not to have invoked the such powers of suspension of the proceeding in the facts of the case. Following be substituted in paragraph No. 6 of the said order.

*"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'."*

9. In view of the above, with these observations, Review Application stands disposed off.

(R. M. JOSHI, J.)

ssp