



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

995 WRIT PETITION NO. 11986 OF 2022

RADHESHAM NATHURAM CHAVAN AND ANOTHER
VERSUS
RAMESH NATHURAM CHAVAN

...
Mr. Shaikh Wajeed Ahmed – Advocate for Petitioners
Mr. Rajendra H. Wagh – Advocate for Respondent
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 12.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioners challenges the order dated 13.07.2022 passed below Exhibit 15 by the learned Civil Judge Junior Division, Pathri in M.A. No.15/2021, whereby the objection filed by the petitioners came to be rejected.
3. The present proceedings are instituted for obtaining a legal heirship certification under the provisions of the Bombay Regulation, 1827. The petitioners filed an application contending that they are the legal heirs of the deceased Sundarbai Nathuram Chavan and along with the application, submitted Aadhaar Cards and others supporting documents.

4. The said application was objected by the respondent. The learned Civil Judge Junior Division, Pathri vide order dated 13.07.2022 rejected the application. While rejecting the application, the learned Trial Court recorded a finding that the petitioners had not produced any documentary evidence to establish their relationship with the deceased and on that ground it rejected the application.

5. I have gone through the order passed by the learned Trial Court. In my view, the issue requires detailed consideration on the basis of material placed on record. Rejection of the application only on the aforesaid ground without granting adequate opportunity to the petitioners, is not justified. Therefore, I deem it proper to restore the application filed by the petitioners.

6. In view the above, the petition is partly allowed. The order dated 13.07.2022 passed below Exhibit 15 by the learned Civil Judge Junior Division, Pathri in M.A. No.15/2021 is quashed and set aside.

7. The learned Trial Court to decide the application Exhibit 15, afresh on its own merits, after granting an opportunity of hearing to the petitioners.

[SIDDHESHWAR S. THOMBRE]
JUDGE