

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

999 WRIT PETITION NO. 12357 OF 2022

LAXMAN NAGU SATHE AND ANOTHER
VERSUS
ASHWINI PRABHAKAR KHAVLE

...

Advocate for the Petitioners : Mr. Karpe Rahul R.
Advocate for Respondent : Ms. Rani Bharuka-Bora h/f Mr. Bora
Satyajit S.

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

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioners are assailing the order dated 12.09.2022 passed below Exhibit 15 by the Civil Judge, Junior Division, Jamkhed, Dist. Ahmednagar in Misc. Civil Application No. 31 of 2020, whereby, application filed by the petitioners came to be rejected.
3. The present Petitioners had filed an application seeking intervention in the proceeding initiated under Rule 2 of the Bombay Regulation which came to be rejected.
4. Learned Counsel Mr. Karpe, for the petitioners submits that, it is the case of the petitioners that they are the real brothers of Dhrupadabai. The proceeding under Rule 2 of the Bombay Regulation was initiated by the respondent who is adopted daughter of Dhrupadabai seeking legal Heirship Certificate. The petitioners contended that being

real brothers of Dhrupadabai, they are necessary party to the proceeding but the same was not considered by the learned trial Court.

5. Per-Contra, the learned Counsel Rani Bharuka-Bora, for respondent submits that the property was inherited by Dhrupadabai from her husband and the same was bequeathed by her in favour of her adopted daughter. Therefore, though the petitioners are real brothers of Dhrupadabai, they are not entitled to get share in the property as per Section 15 of the Hindu Succession Act, 1956. Therefore, she supports the order passed by the learned trial Court.

6. I have gone through the order passed by the learned trial Court. It reveals that learned trial Court has recorded a finding that as per Section 12 of the Hindu Adoption and Maintenance Act, 1956 an adopted child is deemed as a biological child for all the purposes including inheritance and as during her life time, Dhrupadabai had bequeathed the property in favour of the respondent/adopted daughter, the petitioners are not entitled to the share in the property. In presence of Class-I heir, the petitioners are not entitled to get the share. Therefore, I do not find any reason to interfere with the order dated 12.09.2022 passed below Exhibit 15 by the Civil Judge, Junior Division, Jamkhed, Dist. Ahmednagar in Misc. Civil Application No. 31 of 2020 under Article 227 of the Constitution of India.

7. In view thereof, the Writ Petition is dismissed. No order as to cost.

8. The learned Counsel for the petitioners prayed for

continuation of the interim relief granted by this Court on 11.01.2023, therefore, the same shall be continued further for a period of two weeks from today.

(SIDDHESHWAR S. THOMBRE, J.)

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