

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 18788 OF 2024

Balaso Ganpati Kadam & Ors

..Petitioners

Versus

Raghunath Tatoba Watharkar

...Respondent

Mr. Noman Jafri, with Rakesh Kamble and Naina Orak, for the
Petitioner.

Mr. Nikhil Pawar, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 4th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the Petitioners.
2. The challenge in this Petition is to an Order dated 21st August 2024 passed by the learned Civil Judge, Junior Division, Islampur on the Application preferred by the Petitioner to initiate action against Respondent No.1 for filing false and fabricated documents, in an Application for grant of heirship certificate and for rejection of the said Application for heirship certificate.
3. By the impugned order, the learned Civil Judge was persuaded to reject the Application observing *inter alia* that the question as to whether the Respondent is the legal heir of the deceased is required to

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be decided post summary inquiry and the question of title is not required to be delved into.

4. The view taken by the learned Civil Judge is impeccable.

5. It is trite that the heirship certificate does not bestow the status of an heir upon a person. Grant of such a certificate is only a formal recognition of existing status of an heir. The inquiry is thus limited to the determination of the question as to whether a person is an heir of the deceased or not, and the question of title to the property is alien to the inquiry.

6. All the contentions which the Petitioners are raising in their objection to the grant of heirship certificate, can be considered by the trial court at the time of final adjudication of the application for heirship certificate.

7. Keeping open all the contentions of the Petitioners, the Petition stands disposed.

[N. J. JAMADAR, J.]