

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

MISC. PETITION NO. 280 OF 2025

Rekha Abhishek Singh

.. Petitioner

Versus

Amrita Ravindrapratap Singh

.. Respondent

.....

- Mr. Rupesh R. Lanjekar, Advocate for Petitioner
- Mr. Anil D. Yadav, Advocate for Respondent

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 12, 2025

P. C.:

1. Heard Mr. Lanjekar, learned Advocate for Petitioner and Mr. Yadav, learned Advocate for Respondent.

2. Petition is filed for seeking revocation of grant issued in favour of Respondent. Admittedly Petitioner is sister-in-law of deceased Abhijit Ramprakash Singh who expired on 29.04.2023. Contention of Petitioner is that on the basis of Legal Heirship Certificate / Grant issued by Court, Respondent is claiming right, title and entitlement in subject properties which were mentioned in paragraph Nos. 1 to 5 of the Grant Application which is appended at page Nos. 382-390 of the present Petition. He would submit that it was stated in the original Petition that Legal Heirship Certificate is required to be issued by Court to enable the Petitioner therein to seek right, title and entitlement in respect of the subject immovable properties. Next he

would submit that if such course of action is allowed to be adopted by the Respondent, then it would be detrimental to the share of present Petitioner and her children. He would submit that when the original Petition was filed, requisition / objection was raised by Office requiring the Respondent to disclose the details of legal heirs of the brother of deceased whose name was Abhishek Ramprakash Singh and Petitioner is the wife of Abhishek Ramprakash Singh. Incidentally Abhishek R. Singh is also deceased. Mr. Lanjekar would therefore submit that without compliance and without disclosure of the family tree and names of legal heirs of deceased brother, the Grant was effected. He would submit that there is prior litigation between parties which is also going to the root of the matter to determine the shares between them. He has referred to the Suit nomenclatured as Suit No. 64/2011 filed in this Court which was disposed of by filing consent terms. Copy of the consent terms is appended to the Petition. He would contend that in paragraph No. 7 of the consent terms, Respondent who has obtained Legal Heirship Certificate has relinquished her rights by filing a release deed which finds mention therein. He would therefore submit that Respondent would not be entitled to any right, title and interest in the subject properties. Hence he would persuade the Court to revoke the Grant issued in favour of the Respondent.

3. *Per contra* Mr. Yadav, learned Advocate for Respondent at the outset would submit that Petitioner is not a legal heir of the deceased. He would concede and admit that she is the wife of the brother of the deceased. He would submit that grant of Legal Heirship Certificate is not a reflection of this Court determining right, title and entitlement of the parties in the subject immovable properties. Therefore he would persuade the Court to pass appropriate orders in accordance with law.

4. I have heard both the learned Advocates at the bar and perused the record of the case with their able assistance.

5. It is an admitted position that Petitioner before me is not the legal heir of the deceased. She is the wife of his deceased brother. Be that as it may, parties would be governed by their substantive rights in the immovable properties belonging to the deceased either as agreed by them or by operation of law. Grant of Legal Heirship Certificate in favour of Respondent in no manner determines that she has been conferred title to the said immovable properties. For establishing title, parties will have to approach the Civil Court having original jurisdiction and obtain appropriate declaration. If it is the contention of Petitioner that Consent Terms filed in Civil Suit No. 64 of 2011 in this Court govern the rights of the parties, the aggrieved party may approach the appropriate Court for execution of the said Consent Terms. For that purpose revocation of Grant is not the solution. By

virtue of issuing Legal Heirship Certificate, all that Court has done is determined the heirs of the deceased only and it needs to be clarified time and again that grant of Legal Heirship Certificate is not reflective of title and entitlement of the leal heirs stated in the Grant to the immovable properties of the deceased.

6. In view of the above observations and findings, leaving all contentions of the Petitioner expressly open to approach the appropriate Civil Court for agitating her rights rather her substantial rights in respect of the said immovable properties, the Petition is dismissed.

[MILIND N. JADHAV, J.]

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