

Amberkar

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

MISC. PETITION (L) NO. 19929 OF 2025

IN

MISC. PETITION NO. 215 OF 2025

Deepak Shantaram Satam

.. Deceased

Nitin Shantaram Satam

.. Petitioner

Versus

Deepak Shantaram Satam & Anr.

.. Respondents

.....

- Mr. Kishor Patil i/by Mr. Kapil Shetye, Advocates for Petitioner
- Ms. Seema Hunnurkar, Advocate for Respondents

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2025

P. C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Ms. Hunnurkar, learned Advocate for Respondents.

2. Both the learned Advocates at the outset would draw my attention to the order dated 05.03.2025 passed by this Court (Coram : Arif S. Doctor, J.) appended at page Nos. 60-62 of Petition. Mr. Patil would submit that it is an admitted position that original Grant was granted by consent of both the parties. The said Grant i.e. Legal Heirship Certificate is used by the Respondents for seeking entitlement to an immovable property belonging to deceased to the exclusion of Petitioner.

3. The aforesaid submissions of Mr. Patil are refuted by Ms. Hunnurkar. However both the learned Advocates inform the Court that Petitioner has filed substantive suit being LC Suit No. 2111 of 2025 in the Civil Court, *inter alia*, seeking declaratory reliefs in respect of the immovable property in respect of which Petitioner has made the grievance. Once the substantive Civil Suit is filed, it shall determine the substantive right of parties in the subject property. Issuance of Legal Heirship Certificate undoubtedly is not the imprimatur of this Court conferring title to the grantee/s. All that it declares are names of heirs rather legal heirs of deceased as stated in the Grant and that is the only declaration and nothing more. Title of the immovable property in the present case will be determined in the substantive suit proceedings. Needless to state that parties before Court shall be entitled to the property subject to the outcome of the suit proceedings. In that view of the matter, present Petition need not advert to seeking revocation of Grant, considering that insofar as the Grant is concerned, it lists the names of both the parties as legal heirs in the Grant and it is passed by consent.

4. All contention of both parties in the Civil Suit are expressly kept open. Copy of the Suit plaint filed by Petitioner is directed to be served upon the Respondents who are the Defendants in the Suit.

5. In view of the above, this Petition stands disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.09.29
15:33:13 +0530