



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.91/2025

Radha Ganesh Kanojiya .vs. Smt. Ekta wd/o Nitin Kanojiya

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. S. I. Khan, Advocate for petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **JANUARY 7, 2025**

Heard Mr. S. I. Khan, Advocate for petitioner.

2. Challenge is to the judgment and order dated 24.09.2024 passed by 3rd Jt. Civil Judge Senior Division, Nagpur in M.J.C.No. 226/2023, thereby granting heirship certificate in the name of the petitioner - mother as also respondent – wife, upon the application made by the respondent.

3. Grievance of the petitioner is that respondent failed to produce on record the documents that necessitated the legal heir certificate and secondly that she has not performed her matrimonial duties, therefore, not entitled to the pensionary benefits.

4. I do not find any substance in the aforesaid argument inasmuch as there appears no dispute that the respondent is legally wedded wife of deceased. She filed application seeking legal heir certificate. The Trial Court has, after examining the necessary documents which includes Rojnama of the Family Court, AADHAR Card and other documents, found that the respondent is legally wedded wife of deceased Nitin. There

occurred some matrimonial dispute between them. The petitioner, in her cross-examination, admitted that the respondent is her daughter in law and has not yet taken divorce from the deceased.

5. That being so, it will not lie in the mouth of the petitioner to contend that the order passed by the Court below is perverse. No interference is, therefore, called for in the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

6. The writ petition is dismissed. No order as to costs.

(Anil L. Pansare, J.)