



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

WRIT PETITION NO. 510/2025

Shubhlaxmi Wd/o Shrawan Pujari Vs. Dinesh Laxman Chunarkar & Another

Office Memoranda Appearances, directions orders	Notes, of Court's orders and	Office Coram, orders or Registrar's	Court's or Judge's orders
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Mr. S.V. Kaplay, Advocate for Petitioner

Mr. Akhtar Ansari, Advocate for Respondents

CORAM: ANIL L. PANSARE, J.

DATED : 24th JUNE, 2025

1. The challenge is to the order dated 16.11.2024, passed by the Civil Judge, Junior Division, Kalmeshwar in M.J.C. No. 11/2024. The petitioner filed application under the provisions of the Bombay Regulation Act, 1827, for heirship certificate, claiming herself to be the legal heir of deceased Krishnakumar Chinteshwarpant Pujari, who expired on 18.07.2021. The respondents appeared in the matter and raised objection stating therein that the petitioner is not legal heir of deceased Krishnakumar Chinteshwarpant Pujari. According to the respondents, deceased Krishnakumar Chinteshwarpant Pujari had renounced this world when he was five years old. The necessary details after his renouncing have been put-forth.

2. It is worth mentioning here that the petitioner claimed herself to be sister-in-law of deceased Krishnakumar Chinteshwarpant Pujari.

3. There are other pleas raised by the parties, which includes respondents making an attempt to sell the

immovable properties belonging to the deceased and/or they having purchased some of the properties from the deceased Krishnakumar Chinteshwarpant Pujari through power of attorney (respondent No.2). I need not go into the said aspect. The fact remains that the respondents have come up with a case that the petitioner is not the legal heir of deceased Krishnakumar Chinteshwarpant Pujari.

4. Thus, there is a claim and counter claim and in context there-with, the Court below thought it proper to permit the respondents to intervene in the matter. I do not find any perversity in such approach.

5. The counsel for the petitioner has however relied upon the judgment passed by the coordinate bench of this Court in ***Group Grampanchayat, Sasavane Vs. Sunanda Shamrao Bandishti and others, 2010 SCC OnLine Bom 986***, wherein the Court held that the petitioner therein having not claimed itself to be heir of deceased, it was not necessary party to the proceedings for legal heirship. In the said case, the Grampanchayat has sought to intervene on the ground that it has purchased the property and in that context, the Court held that it was not party necessary to the proceedings. As against, in the present case, the respondents have come up with a case that the petitioner is not at all legal heir of deceased and in support have put-forth the theory that the deceased had renounced this world and taken as Shishya of Swami Sadanand and later on known as Swami Ramanand Bhagwan. That apart, the petitioner has claimed herself to be Class II legal heir being sister-in-law of the deceased.

6. Considering the peculiar facts where there appears serious contest to the petitioner claiming herself to be the legal heir, presence of the respondents is found necessary by the trial Court. Such approach cannot be said to be perverse approach and, therefore, I decline to interfere in the impugned order under the supervisory jurisdiction under Article 227 of the Constitution of India.

7. The petition is dismissed. No order as to costs.

(ANIL L. PANSARE, J.)

MP Deshpande