



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
SECOND APPEAL NO. 229 OF 2026

- 1] **Rajesh S/o Baliram Satpute**
Age : 35 years, Occup. Agri.
R/o Jod-Parli, Tq. & Dist. Parbhani
- 2] **Haripal s/o Baliram Satpute,**
Age : 23 years, Occup. Agri.
R/o Jod-Parli, Tq. & Dist. Parbhani
- 3] **Chandrakalabai w/o Baliram Satpute,**
Age : 56 years, Occup. Household
R/o Jod-Parli, Tq. & Dist. Parbhani

... Appellants
(Orig. Defendants)

VERSUS

- 1] **Gayabai W/o Shrihari Karhale,**
Age : 49 years, Occup. Household,
R/o Goudgaon, Tq. Gangakhed,
Dist. Parbhani
- 2] **Prayagbai W/o Manikrao Jadhav,**
Age : 53 years, Occup. Household,
R/o Kadmuli, Tq. Chakur, Dist. Latur
- 3] **Chayabai W/o Ramkrushna Magar,**
Age : 47 years, Occup. Household,
R/o Kanadi, Tq. Parli, Dist. Beed.

... Respondents
(Orig. Plaintiffs)

...

- Mr. Pradip Narayanrao Sonpethker, Advocate for Appellants

...

WITH
CIVIL APPLICATION NO. 4405 OF 2026
IN SA/229/2026

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 16.04.2026

PER COURT :

1. The appellants have filed the present Second Appeal challenging the judgment and decree passed by the learned District Judge-1, Gangakhed in Regular Civil Appeal No. 05 of 2015 dated 04.10.2025, as well as the judgment and decree dated 16.01.2015 passed by the learned Joint Civil Judge, Junior Division, Gangakhed in Regular Civil Suit No. 47 of 2009.

The facts of the case are as follows:-

2. The respondents/original plaintiff Nos. 1 to 3 are real sisters claiming to be the daughters of Baliram Changoji Satpute through Anjanabai, his first wife. After the death of Anjanabai, Baliram contracted a second marriage with appellant/original defendant No. 3 – Chandrakalabai. Appellant Nos. 1 and 2 (original defendant Nos. 1 and 2) are the sons born to Baliram through Chandrakalabai.

3. The original plaintiffs filed a suit for partition in respect of Survey No. 35/2 admeasuring 1 H 16 R, claiming it to be ancestral property of Baliram Satpute and asserting their entitlement as his legal heirs. The plaintiffs demanded their share on 25.02.2009; however, the defendants denied both their entitlement and their status as daughters of Baliram. The defendants also disputed that Anjanabai was the first wife of Baliram.

4. Upon appreciation of evidence, the learned Trial Court decreed the suit, holding that original plaintiff Nos. 1 to 3 and original defendant Nos. 1 to 3 (Rajesh, Haripal, and their mother Chandrakalabai) are each entitled to 1/6th share in the suit property.

5. Aggrieved thereby, the defendants preferred Regular Civil Appeal No. 05 of 2015. The learned First Appellate Court, by judgment dated 04.10.2025, dismissed the appeal with costs.

6. The appellants contend that the learned Trial Court failed to frame proper issues and erred in relying upon the heirship certificate (Waras Pramanpatra) allegedly issued by an incompetent authority. It is further contended that the plaintiffs failed to produce documents such as ration card, voter list, or other records establishing their heirship. Objection was also raised regarding absence of endorsement under Order XIII Rule 4 of the Code of Civil Procedure on certain documents.

7. The appellants further contended that they were not given adequate opportunity to produce documentary evidence. However, the learned First Appellate Court permitted production of additional documents, including:

- Sale deed dated 24.02.1997 executed by appellant Nos. 1 and 2 through their natural guardian Chandrakalabai in favour of Parvatibai Shivaji Satpute,

- Sale deed dated 08.03.1995 executed by Baliram in favour of Dnyanoba Bhosale,
- Death extract, and
- Award in Acquisition Proceedings No. 40 of 1998.

8. Upon consideration of the entire evidence, the learned First Appellate Court dismissed the appeal and upheld the decree of partition, confirming that the plaintiffs are entitled to 1/6th share each.

9. Being aggrieved, the appellants/original defendants have preferred the present Second Appeal challenging the concurrent findings of both the Courts below.

10. After hearing the learned counsel for the appellants and perusing the judgments of both the Courts below, the following substantial questions of law arise:

A) Whether the judgments of the Trial Court and the First Appellate Court are perverse to the evidence on record?

B) Whether the learned Trial Court was justified in relying upon the heirship certificate issued by the Gram Panchayat, which is alleged to be inadmissible in law?

11. Upon perusal of the record, it appears that the plaintiffs have not only produced the heirship certificate issued by the Gram Panchayat, but have also led oral evidence. Original plaintiff No. 1 – Gayabai Karhale examined herself and deposed on behalf of plaintiff

Nos. 2 and 3. The plaintiffs further examined Bhagwan Satpute (PW-2) and Shambhudev Bhosale (PW-3) to establish that Anjanabai was the legally wedded first wife of Baliram and that the plaintiffs are their daughters.

12. The plaintiffs also produced the death certificate of Anjanabai (Exh. 54), wherein she is recorded as the wife of Baliram Satpute, and the heirship certificate (Exh. 56), wherein the plaintiffs are shown as his daughters.

13. PW-2 Bhagwan Satpute, a neighbour, and PW-3 Shambhudev Bhosale, a relative (brother-in-law of Baliram), have unequivocally deposed in support of the plaintiffs. Both witnesses were subjected to cross-examination; however, nothing adverse could be elicited to discredit their testimony. They have also deposed that they attended the marriages of the plaintiffs.

14. The defence primarily suggested that the heirship certificate was falsely obtained; however, except for bare suggestions, no evidence has been brought on record to substantiate such claim.

15. Defendant No. 3 – Chandrakalabai, in her cross-examination, admitted that the suit property is ancestral property of her husband. She also admitted that her relations with PW-2 and PW-3 were cordial. Thus, there was no reason for these independent witnesses to falsely depose against the defendants.

16. Though the defendants relied upon the sale deeds and acquisition award, the same were rightly held to be insufficient to displace the plaintiffs' claim to inheritance.

17. In view of the evidence on record, the learned Trial Court has rightly decreed the suit, and the learned First Appellate Court has properly appreciated the evidence.

18. Accordingly, substantial questions of law framed at 'A' and 'B' are answered against the appellants. There is no perversity in the concurrent findings of fact. The reliance placed on the heirship certificate is justified, as it stands corroborated by cogent oral evidence of independent witnesses.

19. No other substantial question of law arises in the present Second Appeal.

20. The Second Appeal is therefore **DISMISSED**.

21. Pending Civil Applications, if any, stand disposed of.

(MEHROZ K. PATHAN, J.)