



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 CRA NO. 226 OF 2025

SHARADA SHANTARAM AAGE
VERSUS
KAJAL ANUP AAGE AND OTHERS

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Advocate for the Petitioner : Mr. Kamble Shirish M.
Advocate for Respondent nos. 1 to 3 : Mr. K.D. Khade

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23.02.2026

PER COURT :

Heard both sides.

2. The applicant is challenging concurrent findings of fact recorded by the Courts below in issuing succession certificate in the name of the parties.

3. Learned counsel for the applicant submits that respondents committed fraud and suppressed material facts in securing certificate vide order dated 11.07.2024. It is submitted that fraud played by the respondents vitiates both the orders. It is further submitted that deceased was never staying with the respondents and they are not entitled to receive any terminal benefits. It is submitted that the applicant is entitled to receive succession certificate exclusively. My attention is adverted to the criminal action taken by the applicant against the respondents.

4. Per contra, learned counsel Mr. Khade supports the impugned order. It is submitted that the concurrent findings of fact cannot be interfered with. It is further submitted that no timely objection was ever raised by the applicant when the matter was before the Trial Court.

5. The relationship *inter se* between the parties is undisputed. Deceased Anup Shantaram Aage was in the employment of MSEDCL. He died on 12.07.2022 and amount of group term life insurance is payable to the heirs. On earlier occasion, heirship certificate was obtained on 20.12.2022 in Civil M.A. No. 363/2022 in the name of all. It was not challenged further.

6. The respondents filed Civil M.A. No. 1206/2023 under Section 372 of the Indian Succession Act seeking succession certificate in their name. It was allowed on 11.07.2024 by the Trial Court, which is confirmed in Misc. Civil Appeal No. 47/2024 on 01.01.2025. The grievance of the applicant is that thumb impression obtained of his client on memo of application No. 363/2022 is forged. Before issuing heirship certificate due procedure was not followed and the applicant was not given opportunity to raise her grievance. It was not brought to the notice of the competent court that her thumb impression was obtained by fraud and present respondents are not entitled to have any heirship certificate.

7. The applicant had opportunity to raise grievance regarding the alleged fraud and suppression of material facts when matter was heard in Civil M.A. no. 1206/2023. She did not press into service the pleas which are tried to be raised in this revision. There is no material on record to show that the deceased and the respondent no. 1 were staying separate. Merely disputing the thumb impression on memo of application would not constitute fraud.

8. Both the authorities have concurrently decided to issue succession certificate not only in favour of the respondents but applicant also. All of them are Class-I heir as per Hindu Succession Act. I do not find any illegality or perversity to upset the concurrent findings of fact.

9. The learned counsel Mr. Kamble has relied on the judgment of **Beersing Charan Karosiya and others Vs. Tanhabai Pratap Karosiya and others; 2016(6) All MR 333**. The facts are distinguishable. I have already

observed that no fraud can be inferred from the alleged thumb impression and timely objection was not raised by the applicant.

10. Reliance is placed on the judgment of the Supreme Court in the matter of **N. Eswari w/o Adinarayana Vs. K. Swarajya Lakshmi; (2009) 9 Supreme Court Cases 678**, to highlight scope of the High Court in revision. It is trite law that the concurrent findings of fact cannot be interfered with unless there is perversity or illegality.

11. I find no substance in the application. Civil Revision Application is rejected.

(SHAILESH P. BRAHME, J.)

mkd/-