

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3922 OF 2026



1. Madhukar Shankarrao Gunjal,
Since deceased through his LRs
- 1-A. Mandakini Madhukar Gunjal,
Age: 76 years, Occu: Housewife,
R/o: "Janak", Opposite Vitthal Mandir,
Shinde Mala, Balika Ashram Road,
Savedi, Ahmednagar- 414-003
- 1-B. Sagar Madhukar Gunjal,
Age: 55 years, Occu: Lawyer,
R/o: As Above.
- 1-C. Ganesh Madhukar Gunjal,
Age: 51 years, Occu: Business,
R/o: Apartment No.507, Skyi Ins, Mokai Vasti,
Windmill Road, Bavdhan, Pune 411 021.
- 1-D. Raviraj Madhukar Gunjal,
Age: 47 years, Occu: Business,
R/o: J-1102, Vasant Vihar Towers,
Baner, Pune.
2. Sudhakar Shankarrao Gunjal,
Since deceased through LRs
- 2-A. Hira Sudhakar Gunjal
Age: 76 years, Occu: Household,
R/O:103, Pinnacle Space Brook Side,
Bavdhan (Khurd), Pune 411 021.
- 2-B. Vishal Sudhakar Gunjal,
Age: 55 years, Occu: Business,
R/o: B-401, Akashparva, Sharda Alliance,
Bavadhan (Khurd), Pune 411 021.
- 2-C. Nikhil Sudhakar Gunjal,
Age: 48 years, Occu: Business,
R/o: 103, Pinnacle Space Brook Side,
Bavdhan (Khurd), Pune 411 021.
- 2-D. Mrunal Sanjay Warat,
(nee Mrunal Sudhakar Gunjal),
Age: 51 years, Occu: Housewife,
R/o: Plot No. 33, Sagar Society, NDA Road,

Bavdhan, Pune-411021.

3. Dattatray Shankarrao Gunjal,
Age: 81 years, Occu: Retired
R/o: Plot No. 6, 'Vasundhara', Balaji Society,
Bavdhan (Khurd), Pune- 411021.
4. Prabhakar Shankarrao Gunjal,
Age: 78 years, Occu: Pensioner,
R/o: A-12, Runwal Paradise,
Right Bhusari Colony, Paud Road,
Kothrud, Pune 411038.
5. Vaishali Madhukar Gawade,
(nee Shakuntala Shankarrao Gunjal),
Since deceased through LRs
- 5-A. Madhukar Damodar Gawade,
Age: 84 years, Occu: Retired,
R/o: A-802, Ivy Runwal Bliss,
Crompton Greaves Compound,
Kanjurmarg (E), Mumbai 400 042.
- 5-B. Shashank Madhukar Gawade,
Age: 49 years, Occu: Business,
R/o: Vista-1, 702, The Address Wadhwa,
Opp. R City Mall, LBS Marg,
Ghatkopar (W), Mumbai- 400 079.
- 5-C. Ashank Madhukar Gawade,
Age: 45 years, Occu: Business,
R/o: A-802 Ivy Runwal Bliss,
Crompton Greaves Compound,
Kanjurmarg (E), Mumbai 400 042.
6. Meena Alias Shashikala Dinkar Patil
(nee Shashikala Shankarrao Gunjal),
Since deceased through her LRS
- 6-A. Dinkar Krishnaji Patil,
Age: 79 years, Occu: Agri.
R/o: Indradhanu, A-901, Mari Ai Chowk,
Solapur, 413 001.
- 6-B. Harshal Dinkar Patil,
Age: 50 years, Occu: Agri.
R/o: As above
- 6-C. Hrishikesh Dinkar Patil,

Age: 48 years, Occu: Business,
R/o: Flat No. 3, Apoorvagad Apartments,
Survey No. 1/66, Amachi Colony, NDA Pashan Road,
Bavdhan, Pune 411 021.

7. Dinkar Shankarrao Gunjal,
Age: 71 years, Occu: Consultant Physician,
R/o: 601-602, Amalendu Apartments,
1118 A/6, Lakaki Road, Model Colony,
Shivajinagar, Pune 411 016.
8. Mala Vasant Patil
(nee Ratnamala Shankarrao Gunjal)
Age: 68 years, Occu: Housewife,
R/o: Row House No. 6, Shefalika Heights,
Shivtirth Nagar, Paud Road,
Kothrud, Pune 411 038.
9. Ashok Shankarrao Gunjal
Age: 65 years, Occu: Contractor and Consultant,
R/o: Shri Ram Niwas, 19, Mohan Baug,
Delhi Gate, Ahmednagar.

..Petitioners

Versus

NIL

..Respondent

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Advocate for the Petitioner : Mr. P.K. Lakhotiya
Advocate for Respondent : Mr. A.A. Nimbalkar

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MAY 04, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.

2. Present petition is filed with following prayer :

“(B) The impugned order dated 28.10.2025, passed by the learned 15th Joint Civil Judge, Senior Division, Ahmednagar in Civil Misc. Application No.149 of 2025, be quashed and extension to the succession certificate dated 31.05.2022 (issued in Civil Misc. Application No.53/2021) be amended, modified and issued exclusively in the name of Applicant No.7, Dinkar Shankarrao Gunjal as prayed in Civil Misc. Application No.149 of 2025.”

3. The petitioners contend that they are legal heirs of Late Shankarrao Fakirrao Gunjal, who died intestate on 12.10.2004. The petitioners filed Civil Miscellaneous Application No.152 of 2005 for issuance of succession certificate in respect of various bank deposits standing in the name of deceased Shankarrao Fakirrao Gunjal. On 31.10.2006, learned Civil Judge Senior Division, Ahmednagar issued succession certificate. Subsequently, it was noticed that 2000 equity shares standing in the name of Late Shankarrao Fakirrao Gunjal were inadvertently left behind while applying for succession certificate. Eventually, Civil Misc. Application No.53 of 2021 was filed for extension of succession certificate to include shares. It was also prayed that certificate be issued in sole name of applicant no.7 – Dr. Dinkar Shankarrao Gunjal. Civil Misc. Application No.53 of 2021 was allowed vide order dated 23.03.2022. In para 4 of order, it is observed “extension of certificate to include the shares held by deceased Shankarrao can be made as prayed”. Eventually, directions were given for extension to include 2000 shares in succession certificate dated 31.10.2006.

4. When petitioners submitted all documents to TSR Consultants Private Limited for release of amount of shares. They received information that shares cannot be transmitted/demated in the name of 16 legal heirs as SEBI directive permit Demat account for maximum three holders (1 primary and 2 joint). In

this backdrop, petitioners filed Civil Misc. Application No.149 of 2025 before Civil Judge Senior Division, Ahmednagar for amendment/modification of extended succession certificate dated 31.05.2022 and issuance same exclusively in the name of applicant no.7 – Dinkar Shankarrao Gunjal. Learned Civil Judge Senior Division rejected application holding that prayers in application does not fall within contingencies enumerated in Section 152 or 153 of Civil Procedure Code, 1908.

5. Mr. Bhandari, learned advocate appearing for petitioners submits that scheme of Section 374, 376 and 378 of Indian Succession Act permits to amend or correct certificate particularly when such amendment is sought by all interested persons. In present case, a joint prayer was made by holders of succession certificate to exclusively issue same in the name of applicant no.7. It was pointed out to the Court that holders of succession certificate do not have individual Demat accounts and even otherwise as per communication given by consultants, the Demat account cannot have more than three holders. In this backdrop, it was imperative to allow application. Mr. Bhandari submits that applicant no.7 is ready to file an undertaking to this Court that he shall distribute amount received against shares in proportion with shares of each of applicants as per provisions of Hindu Succession Act within period of two weeks from date of receipt of sale proceeds.

6. Having considered submissions advanced, it can be observed that in Civil Misc. Application No.53 of 2021, petitioners had prayed for extension of succession certificate in the name of applicant no.7 – Dr. Dinkar Shankarrao Gunjal particularly in respect of securities. The application was presented and signed by all original holders of succession certificate. Pertinently, while passing order dated 23.03.2022, in Civil Misc. Application No.53 of 2021, it has been observed that “extension of certificate to include shares held by deceased Shankarrao can be made as prayed”. However, extension to succession certificate was issued jointly in name of all applicants for 2000 shares of Titan Company Limited.

7. Even on perusal of Civil Misc. Application No.149 of 2025, there appears consensus amongst all successors that extension of succession certificate to be issued in the name of applicant no.7 – Dinkar Shankarrao Gunjal, so as to facilitate Demat process in terms of SEBI regulations. Learned Civil Judge Senior Division, Ahmednagar refused to entertain petitioners prayer going technical reason cannot be acceded within parameters of Section 151, 152 and 153 of Civil Procedure Code.

8. Although modification sought by petitioners vide Civil Misc. Application No.149 of 2025 cannot be termed as clerical or arithmetical error. Considering difficulties posed in processing/dematting 2000 shares, Trial Court could have exercised

powers under Section 151 of Civil Procedure Code, whereby technical glitch faced by petitioners to get release of securities could have been redressed. Pertinently, petitioners who are holders of succession certificate unanimously and consciously seeking modification. There appears no dispute amongst holders of succession certificate for modifying extension of succession certificate for issuing same in name of applicant no.7 for himself and on behalf of all legal heirs.

9. Applicant no.7 has filed his affidavit cum undertaking to this Court that if succession certificate is extended in his name to the extent of shares, he would distribute proceeds as per rights of each applicant in terms of provisions of Hindu Succession Act within a period of two weeks from receipt. The affidavit/undertaking filed by Mr. Dinkar Shankarrao Gunjal is taken on record and marked as 'X' for identification.

10. In light of aforesaid backdrop, this Court finds no impediment in allowing writ petition and grant relief as prayed. In result, writ petition is **allowed** in terms of prayer clause **(B)**.

11. Applicant no.7 – Dinkar Shankarrao Gunjal shall abide by affidavit/undertaking and submit a **report of compliance** to this Court within a period of **four weeks** from the date of receipt of amount.

12. Rule is made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)