



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 57 OF 2026

Sabiya Begum Saifuddin Syed And Others

VERSUS

Shaikh Gulam Ahmed Shaikh Gulam Mohammad And Others

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Mr. S. M. Amjedali, Advocate for the Petitioners

Mr. V. V. Jahagirdar, AGP for Respondent/State

CORAM : SHAILESH P. BRAHME, J

DATE : MARCH 11, 2026

PC :

1. Revision is directed against the order dated 06.11.2025 passed below Exhibit 13 in Civil M. A. No. 156/2025.

2. It is candidly accepted by the learned Counsel for the Applicants that application Exhibit 13 is wrongly termed as an application under Order VII, Rule 11 of Code of Civil Procedure because proceedings are summary and miscellaneous instituted at the instance of Respondent Nos. 1 to 4 seeking heirship certificate.

3. Applicants are daughters of Respondent No. 4 and Rehanabegum. Respondent Nos. 1 to 3 are the brothers. It is the case of the Applicants that Hibinama is executed by their deceased mothers in respect of plot no. 47 and 54 of CTS No. 11496, situated at Muzaffar Nagar, Harsul. Respondents are attempting to grab the plots, which are

alienated in favour of Applicants and they have entered their names bypassing the claim of the Applicants. RCS No. 199/2025 has also been filed. Application for heirship certificate is objected by the present Applicants by filing say. Trial Court is proceeding with recording of evidence.

4. In this backdrop, learned Counsel for the Applicants submits that when substantive proceedings are pending before competent Civil Court, proceedings before Trial Court for succession certificate has limited role to play. It is submitted that Applicants cannot be deprived of proprietary right accrued to them through Hibinama. It is further submitted that the plots in question, which are gifted to them by mother, needs to be excluded from the proceedings.

5. I find that Application Exhibit 13 is rejected by sound reasons. There is no need to cause any interference in the impugned order. Simultaneously it cannot be overlooked that the substantive proceedings have reached competent Civil Court by way of RCS No. 199/2025. Summary proceedings for issuance of heirship certificate have limited role to play. It is trite law that right, title or interest in the property cannot be agitated by way of summary proceedings. Applicants have raised objection before the Trial Court, which can be dealt with on their merits. It is expected of the Trial Court to take into consideration

claim of the Applicants based on Hibanama, which has not been objected so far before any competent forum.

6. Civil Revision Application is rejected, however, Trial Court shall take into account the objections raised by the Applicants while dealing with Civil M.A. No. 156/2025.

(SHAILESH P. BRAHME, J.)

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