



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 150 OF 2026

Deepak Hansraj Bhasin, Age: 69 years, Occ: Saw Mill
(Presently Nil), R/o Shri Krushna Saw Mills, 2/81/2, Nehru
Timber Market, Amravati, Tq. & Dist. Amravati.

PETITIONER

VERSUS

1. Vinod Hansraj Bhasin, Age: 76 years, Occ: Retired,
R/o Building No.14, Flat No.15, MIG Colony, Vinoba
Bhave Nagar, Kurla (W), Mumbai.
2. Pawan Hansraj Bhasin, Age: 74 years, Occ: Retired,
R/o Building No.12, Flat No.17, MIG Colony, Vinoba
Bhave Nagar, Kurla (W), Mumbai.
3. Sanjay Hansraj Bhasin, Age: 61 years, Occ: Advocate,
R/o House No.493, Second Floor, Urban Stage,
Sector-4, Gurgaon, Haryana.
4. Praveen Premnath Kohli, Age: 71 years, Occ: Household,
R/o Sur AIR Apartment, Flat No.38, Rohini Sector,
North West Delhi, Delhi.
5. Monalisa Pawankumar Chadha, Age: 57 years,
Occ: Job, R/o 4340, Allencrest Lane, Dallas, Texas,
United States of America. At Present R/o Building
No.14, Flat No.15, MIG Colony, Vinoba Bhave Nagar,
Kurla (W), Mumbai.

RESPONDENTS

Shri S.D. Chopde, counsel for the petitioner.
Shri R.N. Ghuge, counsel for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 25, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of
the learned counsel for the parties.

2. The petitioner assails the order dated 24.12.2025 passed by the
trial Court rejecting the application for framing additional issues in the
proceedings for grant of heirship certificate.

3. The petitioner is the non-applicant in the proceedings bearing R.M.J.C. No.878 of 2024 filed by the respondents under Bombay Regulation Act VIII of 1827. The non-applicant appeared in the said proceedings and filed his elaborate written statement and reply and is contesting the proceedings. During pendency of the proceedings, the non-applicant filed an application under Order XIV Rule 1 of the Code of Civil Procedure, 1908 for framing additional issues. This application was resisted by the applicants and by order dated 24.12.2025, the application came to be rejected, which is subjected to challenge by way of instant petition.

4. Shri S.D. Chopde, learned counsel for the petitioner vehemently submitted that the controversy involved in the proceedings related to grant of heirship certificate has to be decided by considering the documents of Gift-deed dated 11.08.2017 and Will-deed dated 23.11.2017 and further that there are several complicated issues of civil nature which makes it necessary to stay the proceedings till decision of the controversy by the civil Court in the pending civil suit. He therefore submitted that the issues proposed to be framed as additional issues are necessary for complete adjudication of the controversy. By placing reliance on judgment of the Division Bench of this Court in ***Baban Ramchandra Shukla & Others Versus Parag Arvind Shukla & Others*** [2018(3) All MR 46] and by inviting attention to Rule 4 Chapter I of the Bombay Regulation VIII of 1827, he submitted that the position of law is

clarified that when from the evidence, it appears that the questions involved are of complicated – difficult nature, the Court may suspend the proceedings until the question has been decided by a regular suit instituted by one of the parties. He submitted that in the instant matter since Regular Civil Suit No.393 of 2025 is already pending, the fact of pendency of the suit is itself sufficient to prove that there are complicated and difficult issues involved in the proceedings. In support of his submissions, he placed reliance on the judgment of this Court in ***Vijayabai Yugraj Rupareliya Versus Chaya Mahesh Rupareliya & Others*** [Writ Petition No.2601 of 2019] dealing with the identical proposition of law.

5. Shri R.N. Ghuge, learned counsel for the respondents opposed the petition and submitted that the relevant issues arising from the pleadings are already framed by the trial Court at Exhibit 28 and there is no necessity to frame all the issues based on the entitlement of rights of the parties based on the document of Gift-deed and Will-deed. He submitted that the applicants/respondents have prayed for grant of heirship certificate by specifically praying for the certificate to be issued in favour of the applicants as well as the non-applicant (petitioner herein) and as such, there is no question of depriving the petitioner from any of his rights. He submitted that the issues raised in Regular Civil Suit No.393 of 2025 could be independently decided on the basis of evidence to be led in the said civil suit and mere pendency of the said civil suit cannot be a reason to stay the proceedings for grant of heirship certificate. In support

of his submissions, he placed reliance on the judgment of the Coordinate Bench of this Court in *Tarabai Satyanarayan Jaiswal & Another Versus Sushil Satyanarayan Jaiswal & Others* [Writ Petition No.14080 of 2023], *Aloysius Manuel D'souza & Others Versus Mary Kamala William Manuel D'souza & Others* [(2006) 6 Bom CR 56], *Group Grampanchayat, Sasavane Versus Sunanda Shamrao Bandishti & Others* [(2011) 5 Bom CR 162] and *Ganpati Vinayak Achwal Against Order of Civil Judge Senior Division at Kalyan dated 29.07.2013 on application under Rule 2 of Bombay Regulation Act* [2014(6) Mh.L.J. 683]. By pointing out the position of law clarified in the aforesaid judgments, he submitted that the only relevant consideration in the proceedings for grant of heirship certificate is whether the applicants establish that they are the heirs of the person in respect of whom the heirship certificate is sought. It is further laid down that a heirship certificate is only a formal recognition of the existing status of the legal heirs and does not confer any right or liability with respect to the property in question.

6. Rival contentions thus fall for my consideration.

7. While considering the rival contentions raised in the instant petition, it has to be seen that the application filed by the non-applicant/petitioner for framing of additional issues was rejected by the trial court. Undisputedly, the proceedings are filed by the applicants/respondents seeking a legal heirship certificate under the Bombay Regulation VIII of 1827 and in the said proceedings, based on the

pleadings of the parties, the trial court has framed issues at Exhibit 28. At the stage of evidence of the proceedings, the non-applicant has filed an application for framing additional issues, which are based on the documents of Gift-deed and Will-deed.

8. Although an attempt is made to point out that there are several complicated issues with respect to rights of the parties which also need to be considered and decided, it has to be noted that the non-applicant has already filed a separate civil suit bearing Regular Civil Suit No.393 of 2025, which is pending at the stage of evidence. Thus, the issues which are sought to be raised by way of additional issues in the instant proceedings, are also subject matter of the proceedings in the said civil suit.

9. A perusal of the issues framed in the instant proceedings shows that all relevant issues are already framed. Issue No.1 as to whether applicant Nos.1 to 5 are entitled for legal heir certificate, so also issue No.3 as to whether non-applicant proved that the applicants have hidden material legal fact and circumstances and documents, in my opinion, are sufficient for deciding the controversy involved in the instant proceedings for legal heir certificate. It has to be noted that the proceedings of legal heirship certificate under the Bombay Regulation VIII of 1827 are for deciding formal recognition of legal heirs of a deceased person, as clarified by the judgments on which the parties have relied. Therefore, merely because one of the parties has raised several disputed issues cannot be a reason to

frame all those issues which are not found necessary for deciding the entitlement of the applicants for legal heirship certificate.

10. It is crucial to note in the instant proceedings, the applicants have prayed for grant of legal heirship certificate in their name as well as non-applicant. As such, the legal heir certificate is not claimed to the exclusion of the non-applicant. As a result, the formal recognition of the applicants as well as the non-applicant as legal heirs of the deceased parents would be the relevant issue for consideration in the said proceedings. The issues sought to be added, as claimed by the non-applicant, appear to be an attempt to raise several complicated issues, which are required to be adjudicated while deciding a civil suit. Considering the nature of the proceedings under Bombay Regulation VII of 1827 with the limited scope of granting formal recognition to the legal heirs, the issues sought to be introduced by the non-applicant do not appear to be necessary for deciding the controversy involved in the proceedings.

11. As regards the judgment of the Division Bench of this Court in the case of **Baban Shukla (Supra)**, relied upon by the counsel for the petitioner, there is no dispute about the legal position. However, the same is not required to be applied in the instant case, particularly when the relief is claimed for grant of legal heirship certificate in favour of the applicants as well as the non-applicant. The issues which arise from the pleadings are not complicated or difficult in nature requiring suspension of the proceedings. Further, a separate civil suit is already pending in

between the parties in which all the other issues are subject matter of adjudication. As such, the judgment of Division Bench in the case of **Baban Shukla (Supra)** is of no assistance to the petitioner.

12. A perusal of the impugned order passed by the trial Court reveals that the trial Court has given due consideration to all the relevant factual and legal aspects. By considering the issues which are already framed and by considering the position of law as laid down in several judgments relied upon by the parties, the trial Court has passed the well reasoned order, thereby rejecting the application. I do not find any perversity in the reasons recorded by the trial Court. The view taken by the trial Court is a plausible view based on the factual and legal aspects warranting no interference.

13. In view of the above mentioned factual and legal aspects, I am of the firm opinion that no indulgence is warranted under Article 227 of the Constitution of India with the impugned order. The writ petition is, therefore, dismissed with no order as to costs.

14. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

15. At this stage, learned counsel for the petitioner prays for continuation of the interim relief for a further period of six weeks to enable the petitioner to approach to the Hon'ble Supreme Court.

16. Considering the fact that an interim relief to stay the proceedings was operating during pendency of the instant petition, the same is continued for a period of six weeks from the date of uploading of this judgment.

(PRAFULLA S. KHUBALKAR, J.)

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