

Order below Exh. 11 in Succ.No. 1/2018
Smt.Chhaya and others Vs.Vijayabai

This is an application cum objection filed by objector namely Smt Vijayabai Yugraj Rupareliya in the application filed by applicants under clause/Rule-2 of Bombay Regulation VIII of 1827 for getting legal heirship certificate.

02) Perused application, say and documents on record. Also heard Learned Advocates appearing for respective parties.

03) Learned Advocate for objector has submitted that applicants have filed original application for getting legal heirship certificate being legal heirs of deceased Mahesh Yugraj Rupareliya. However, on publication of proclamation, this objector has come to know that applicants deliberately have not shown this objector as legal heir of deceased Mahesh Yugraj Rupareliya despite this objector is the biological mother of deceased Mahesh Yugraj Rupareliya. Therefore, Learned Advocate for objector has submitted that objector being class-I heir of deceased is deliberately omitted by applicants while filing original application. Hence, application filed by applicants be dismissed.

04) On the contrary Learned Advocate for applicants has strongly opposed this application cum objection being non tenable in the eyes of law. He further submitted that objector has not filed affidavit in support of her objection. He further submitted that deceased Mahesh Rupareliya had executed registered will dated 15/11/2017 during his lifetime in respect of his all properties. In fact, as per said will, applicants being legal

heirs of deceased Mahesh Rupareliya are only entitled to have those properties. Besides applicants, there is no other legal heir of deceased Mahesh Rupareliya. In such circumstances, this objector has no legal right to take objection in this proceeding. Hence objection of objector be discarded with costs.

05) I have perused record of the matter. On considering the submissions of Learned Advocates, it reveals that objector is the mother of deceased Mahesh Rupareliya. Said fact is also not disputed by applicants. As per schedule under Hindu Succession Act 1956, mother is also one of the Class-I legal heirs along with other legal heirs of deceased. Objector being mother of deceased Mahesh Rupareliya becomes Class-I legal heir along with applicants. As such, objection raised by objector seems to be just and proper. Objector prayed for rejection of application of applicants. However, in the facts and circumstances, I think it will be just and proper to direct applicants to add this objector as one of the applicant in the original application instead of dismissing the application. Hence following order is passed.

ORDER

- 1) Application cum objection is hereby accepted with direction to the applicants that applicants shall add this objector as applicant along with them in original application.
- 2) Applicants to comply with this order as early as possible.

Date :- 18/09/2018.
Place :- Chikhli

(S.W.Thombre)
Civil Judge Junior Division,
Court No.1 Chikhli

Certificate

I affirm that the contents of this PDF file
Judgment/ Order are same words, as per original Judgment/Order.

PDF dated 18/09/2018

Uploading dated 18/09/2018

Name of Stenographer : R.B.Shrivastav,Steno to CJJD,Chikhli