

MHAU070023002022

**ORDER BELOW EXH.NO. 1**

On perusal of record it reveals that, this is a proceeding filed by applicants for obtaining legal heirship certificate in respect of death of Mhasu Piraji Argade who was husband of applicant no.1 and father of applicant nos. 2 to 4 as well as non-applicant nos. 1 and 2. Objection filed by non-applicant nos. 1 and 2 at (Exh.17) and objected to issue heirship certificate by the name of applicants.

2) They submitted that applicants are not only heirs of deceased Mhasu Piraji Argade, but non-applicant nos. 1 and 2 are also heirs of deceased.

3) They filed their objection (Exh.17) along with affidavit (Exh.18). In support of his objection they filed following documents along with Exh.19.

- i) Xerox copy of Order on Exh.15 of Spl.Civil Suit No.05/2022.
- ii) Xerox copy of Monthly resolution of Gram Panchyat Waluj dated 25.08.2022.
- iii) Xerox copy of 8-A Extract of Gram Panchyat Waluj which is issued in favour of non-applicants.
- iv) Xerox copy of 8-A Extract of Gram Panchyat Waluj which is issued in

favour of deceased.

4) As such proceeding become contested and needs to be transferred to the Court of Hon'ble Civil Judge Senior Division, Vaijapur in view of Para No. 304. 305 r/w. 233 of Civil Manual.

5) There is no Court of C.J.S.D. in Gangapur. Moreover, Order VII Rule 10 of C.P.C. speaks about the return of pliant. Present proceeding is miscellaneous and not a plaint. In such circumstances this court issued request letter to Hon'ble Principal District Judge, Aurangabad. Thereafter, the Hon'ble Principal District Judge Aurangabad issued office order on 03.03.2023 and grant permission for transferring said file to C.J.S.D. Vaijapur. Hence, in view of, office order of Hon'ble Principal District Judge Aurangabad dated 03.03.2023. I passed following order :-

ORDER

- 1) Application be transfer to Hon'ble Civil Judge Senior Division, at Vaijapur.
- 2) Proceeding stand closed.

Date : 20/03/2023

(S.Y. Wakchaure)
3rd Jt. Civil Judge (J.D.) &
J.M.F.C. Gangapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	: Kailas Shivaji Rasve
Court	: Shri. S.Y. Wakchaure, 3 rd Joint Civil Judge (J.D) & J.M.F.C. Gangapur, Dist. Aurangabad.
Date of order	: 20/03/2023
Order signed by the presiding officer on	: 20/03/2023
Order uploaded on	: 23/03/2023