

ORDER BELOW EXH.13

The present application is filed by the applicant/objector Kiran Prakash Athawale to add her and her son Bhaskar Prakash Athawale as legal heirs of deceased Prakash Janraoji Athawale.

2] It is the contention of applicant/objector that, during the pendency of main application, she came to know that applicant Nos.1 to 3 filed this application to issue succession certificate in their name by holding them as legal heirs of deceased Prakash Janraoji Athawale. However, applicant Nos.1 to 3 have misled the court by claiming them only as legal heirs of deceased Prakash Janraoji Athawale. However, the present applicant/objector and her son are also the legal heirs of deceased Prakash Janraoji Athawale. It is further contended by the objector that, she is the first wife of Prakash Athawale and not yet divorced. Further Bhaskar is their son. Till the date this court has not passed any order. It is necessary to add them in the present matter. Hence, she has filed the present application.

3] The say of applicant Nos.1 to 3 was called. They have filed their say at Exh.14 and opposed the application. According to them, objector has not filed any documentary evidence in support her application. Further, objector has no relationship with deceased Prakash Janraoji Athawale or applicants. Hence, they have prayed to reject the application.

4] Perused the application and say. Heard both sides. Also perused the record. It is matter of record that, the main application is filed by applicant Nos.1 to 3 under section 372 of the Indian Succession

Act for issuing succession certificate in their name by holding them as legal heirs of deceased Prakash Janraoji Athawale. In the present matter citation and paper publication was issued. Till the date applicants have not led any evidence.

5] The objector came with the case that, she is the first wife of deceased Prakash and Bhaskar is their eldest son and they are also legal heirs of deceased Prakash. This fact is contended by her on oath. Hence, at this stage considering the nature of application and relief claimed therein, as well as to decide matter on merit, the objector and her son needs to be added as a party in the present proceeding. The objection raised by the original applicants that no documentary evidence is filed by objector on record is matter of evidence and can be taken into consideration at this stage. As the objector has raised objection and original applicants have denied their contention, it will be just and proper to add objector and her son in the array of non-applicant. In the result I pass following order;

ORDER

1. The application is allowed.
2. Applicant Nos.1 to 3 are directed to add objector and her son in the array of non-applicant Nos.1 and 2 and file on record amended application.

Date: 02/09/2023

(**Sarita R. Bhor**)
2nd Jt. Civil Judge (Sr. Dn.),
Achalpur.