

Civil M.A. No.13/2026
Kalyani Dhurpate & Anr.
Vs.
Ramesh Dhurpate & Ors.

ORDER BELOW EXH.05

By the present application the applicants have prayed for grant of ad-interim injunction against the respondent No.3 from disbursing an amount of life insurance policy held by deceased Shekhar, in favour of respondent No.1.

02. Heard the learned advocate Shri. A. S. Deshmane for the applicants. present application is filed under Indian Succession Act for getting Succession Certificate. Applicant No.1 is the wife of deceased Shekhar Ramesh Dhurpate and applicant No.2 is minor son of deceased Shekhar Ramesh Dhurpate. Applicant Nos.1 and 2 are father and mother of deceased Shekhar Ramesh Dhurpate. It is contended that deceased Shekhar Ramesh Dhurpate has died in an accident on 07/01/2026. During his life time deceased Shekhar Ramesh Dhurpate has acquired life insurance policy from defendant No.3. Defendant No.1 was named as nominee for said policy. However, applicant Nos.1, 2 and Non applicant No.3 are Class-I heirs of deceased. Thus, if the amount is disbursed to respondent No.1 then irreparable loss will be caused to the applicants. Hence, they have prayed for ad-interim injunction against defendant No.3.

03. Perused the record and documents filed below list Exh.04. On perusal of death certificate of deceased Shekhar Ramesh Dhurpate, it appears that he has died on 08/01/2026. Marriage certificate of the applicant No.1 and deceased Shekhar is placed on record. Copy of policy is also placed on record. The applicants have already issued notice to respondent No.3 on 25/02/2026. On perusal of documents, prima facie it appears that applicants are Class-I legal heirs of the deceased. It is settled position of law that nominee cannot replace legal heirs. If the entire amount is disbursed to respondent No.1 then definitely irreparable loss will be caused to applicants. Moreover, there will be multiplicity of proceedings. Therefore, it would be just and proper to grant ad-interim ex-

parte injunction against the defendant No.3 restraining them from disbursing the amount under policy No.994274705 till their appearance and filing of say. Hence, I pass the following order.

ORDER

- 1) The defendant No.3 themselves or through their agents are hereby restrained from disbursing the amount under policy No.994274705 to anyone till their appearance and filing of say.
- 2) Issue show cause notice to defendants as to why *ex-parte* ad-interim injunction granted against them should not be confirmed. Returnable on 18/03/2026.
- 3) Plaintiff to note and comply under Order- XXXIX Rule- 3 of C.P.C.
- 4) E. P. and S. B. allowed (if any).

Date: 09.03.2026.

[S.R.Kanakdande]
02nd Jt. Civil Judge [J.D.]
Parner, Dist-Ahmednagar.