

MHLA050004332021



Civil M.A. NO.65/2021
Kusum Shelke Vs. Nil

ORDER BELOW EXH. 39

This application is filed by the objection petitioner namely Ramakant Balvir Shelke with prayer that the main application for heirship certificate be rejected and heirship certificate be issued in his favour.

2. The petitioner has filed say to this application at Exh.41 and denied the contentions in it. It is stated that the objection petitioner has no locus standi to file this application.

3. Read the application and say. Heard the advocate for the petitioner. The objection petitioner and his advocate are absent for arguments.

4. It is contention of the objection petitioner that the present applicant is not legally wedded wife of deceased Rustum Tatyrao Shelke. She is legal wife of Madhavrao Chandoji Navghare and their marital relations are still intact. So, she has no right to claim heirship certificate as legal heir of deceased Rustumrao Tatyrao Shelke.

5. It appears that the objection petitioner has taken objection to the petition, but he has not made a prayer to implead him as a respondent. Unless he is made respondent, his objection on this petition cannot be considered and his objection will not be useful to decide the right of the petitioner or his right to get heirship certificate. Hence the objection petition is liable for rejection. In the result I pass the following order :

ORDER

The objection petition is rejected.

Date : 12-01-2022.

{ P.A. Savadikar }
Civil Judge Senior Division,
Ahmedpur District Latur.