

MHND160015482025



Civil M.A. 371/2025
Deepali Manoj Joshi Vs.
Manager Maharashtra
Gramin Bank and Other

ORDER BELOW EXH. 20

This is an application under Order 1 Rule 10 (2) of the Code of Civil Procedure for addition of the applicant/ objection petitioner as respondents in the present proceeding filed under the provisions of section 372 of Indian Succession Act, for issuing succession certificate.

02. The objectionist/petitioner filed their written argument vide Exh. 22 wherein it is submitted that, the applicants are the legal heirs of late Manoj Anantrao Joshi. Manoj is died on 04/06/2025. The applicant No. 1 is the wife and applicant No. 2 and 3 are sons of deceased Manoj Anantrao Joshi. He has not executed any will deed. The applicants are trying to take the disadvantage of non residence of applicant in village Kohali Tq. Hadgaon Dist Nanded and trying to obtain heirship certificate without giving notice to the applicant. The applicant/ objection petitioner is the legal heir and successor of deceased Gangadhar Madhavrao Pande who was the maternal uncle of the applicant. During his life time deceased Manoj Joshi has

fraudulently prepared false documents of heirship and illegally alienate the property. Therefore, applicant has filed Civil and Criminal litigation against him.

03. It is further submitted that, the original applicants intentionally have not made the party to the present applicant in the present proceeding. The objection/ petitioner is legal heir of deceased Madhvrao Pande and the deceased Manoj Anatrao Joshi has kept the amount in his name in the bank of respondent and therefore, the applicants has equal share in that amount. Therefore, the present applicant is the necessary party to the present heirship application. The deceased Manoj Joshi has not executed any will deed during his life time. There is no impediment to issue heirship certificate in favour of the petitioners and respondents. Therefore, submitted to allow his application and issue direction to the original applicant to add the present applicant as a party respondent and issue succession certificate of deceased Manoj Joshi and Gangadhar Pande in favour of the petitioner and respondents.

04. On the other hand, the Ld. Advocate Shri. S.R.Falegaonkar for the main applicant opposed the application by filing their say on the back side of this application. He submitted that, the objection/ petitioner is the brother of deceased Manoj Anantrao Joshi. He is not the class I heir of the deceased Manoj Joshi. The objection/ petitioner has filed this application by taking advantage of relation of brother with the deceased. The applicant

No.1 being the widow and applicant No. 2 and 3 being the children of deceased are the only Class-I heirs of the deceased Manoj Anantrao Joshi. Therefore, the objection/ petitioner is not the necessary party to the present proceeding. According to him, the objection/ petitioner has filed all the documents in respect of heirship certificate of deceased Gangadhar Madhvrao Pande which was obtained by the deceased Manoj along with the objection petitioner. Therefore, the present application is only restricted to the succession certificate of amount kept in the account of deceased Manoj Joshi and the applicants being the Class-I heirs are the only legal heirs. Therefore, submitted to reject the application.

05. Heard both sides. Perused application and say and documents produced on record. After hearing both the sides, following points arise for my determination and I have recorded my findings thereupon for the reasons stated below.

Sr.No.	Points	Findings
1.	Whether the applicant is entitled to be added as party respondent in the proceeding ?	No.
2.	What Order ?	As per final order.

REASONS

AS TO POINT NOS.1 AND 2 :-

06. On perusal of main application, it appears that, the

deceased Manoj Joshi is the husband of applicant No. 1 and father of applicant No. 2 and 3. This fact is specifically admitted by the objection petitioner in his application at para No.1.

07. According to objection petitioner the deceased Manoj Anantrao Joshi has fraudulently with view to grab the property has prepared false and fictitious heirship certificate and illegally alienated the flat which was in the name of their uncle deceased Gangadhar Madhavrao Pande. The amount received by alienating the flat by the deceased is kept in his name in the bank of respondent No.2. However, the objection petitioner is also legal heir of deceased Gangadhar Madhavrao Pande and therefore he is also heir of his brother for the beneficiary of the deceased. Considering the main application it appears that, the amount kept in the Bank is only Rs. 59,531/-. The applicant has not produced any evidence, to show that the deceased has kept this amount out of amount received from alienation of flat. No document of sale is produced on record.

08. Considering the grounds for addition as a respondent to the objection petitioner it appears that, the objection petitioner is the brother of deceased Manoj Joshi. Therefore, he is not the Class-I heir of the deceased. Admittedly the applicant No. 1 to 3 being the wife and children of deceased are the only legal heirs of deceased Manoj Joshi. The objection petitioner is claiming to be legal heir of deceased Gangadhar Madhavrao Pande. The grounds raised by the objection petitioner are in respect of heirship certificate issued in

Civil.M.A. No.180/2021 dtd. 21/10/2021. In respect of that, the objection/petitioner has filed Criminal complaints in the appropriate court at Nanded. Therefore, those documents which are in respect of allegedly obtaining false heirship certificate in R.J.E No. 181/2021 is not concerned with the present R.J.E No. 371/2025 which is in respect of succession certificate of deceased Manoj Anantrao Joshi which is filed by his Class-I legal heirs. Therefore, the objection petitioner is neither appropriate nor necessary party to the present application filed under section 372 of Indian Succession Act 1925. Therefore, the objection petitioner being the brother of deceased is not entitled to be added as respondent as the main applicants are Class-I heirs of deceased. Hence, I answer point No.1 in the negative and in answer to point No.2, I pass the following order.

ORDER

The application is rejected.

Date : 30/07/2026

(Amarjeet B. Jadhav)
Joint Civil Judge Junior Division,
Hadgaon Dist Nanded.

CERTIFICATE

I affirm that the contents of this P.D.F file
order/judgment are same word for word as per original judgment.

Name of Stenographer : Anita S. Godam

Name of court : C.J.J.D.& J.M.F.C.,Hadgaon

Date : : 30.07.2026

Judgment/order signed by Presiding Officer on : 30.07.2026

Judgment/order uploaded on : 30.07.2026