

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5644 OF 2025

PRITI WD/O ANIL GAWAI ALIAS PRITI D/O PRAKASH JAMBHULKAR AND
ANOTHER
VERSUS
JAGRUTI D/O ANIL GAWAI AND ANOTHER

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.J. Patil, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 24th SEPTEMBER 2025

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 04.08.2025, at Exhibit 25, passed by the trial court, thereby rejecting the objection filed in the proceeding for grant of legal heir certificate under Bombay Regulations Act.
3. Learned Advocate for the petitioners submits that petitioner No.2 is the son of deceased Anil Gawai and in view of the settled position of law, he is entitled to raise his claim over the properties of deceased Anil Gawai. It is submitted that the trial court has given consideration only to the aspect of absence of documents of petitioner No.1 to show that she was legally married to the deceased. However, ignoring the claim of petitioner No.2, the impugned order is passed. Learned Advocate for the petitioners also expresses his desire to settle the matter after the respondents cause their appearances.

4. In view of this, issue notice to the respondents, returnable after three weeks.

5. In the meantime, the proceedings of Miscellaneous Judicial Case No.362 of 2021, pending before the Court of 3rd Joint Civil Judge Senior Division, Nagpur, shall remain stayed.

(PRAFULLA S. KHUBALKAR, J.)

asd