

MHST020006922024 	Succession/47/2024 Dhanaji Netaji Pawar Vs. nobody
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IN THE COURT OF 6TH JOINT CIVIL JUDGE, JUNIOR DIVISION,
SATARA, AT SATARA.

ORDER BELOW EXH.1.

This is an application for grant of heirship certificate under the provisions of Bombay Regulation VIII Act 1827.

IN BRIEF:-

2. The applicants contended that the applicant no.1 and 2 are real brothers and no.3 is their real married sister. The applicant no. 1 to 3 are permanent resident of address mentioned in title clause. The mother of applicant no.1 to 3 namely Suvarna Netaji Pawar is expired on 12.3.2023 at mouze Vaiduvadi, Kamathipura, Godoli, Tal. Dist. Satara. The applicants and the husband of deceased Netaji Bhimrao Pawar are legal heirs of said deceased. There are no other legal heirs to deceased.

3. It is further contended that deceased had applied to Satara Municipal Council for taking benefit of scheme for hut by name '*Ekatmik Gruhanirman Sudharana Zopadpatti Yojana*', at City survey no.409 to 415, Sadarbazar, Satara. Accordingly, Satara Municipal council and Government determined the deceased for eligibility of the said scheme. As deceased is expired , therefore being

her legal heirs, the applicants prayed for benefit of scheme to Satara Municipal Council, but the concerned Authority demanded heirship certificate. Hence, they prayed for grant of heirship Certificate.

4. A public notice [Exh.08] is published in daily newspaper “Pudhari” dt. 11.04.2024 to offer objection of public at large, but no one appeared and took objection for grant of certificate.

5. Following points arise for consideration. The findings and reasons thereon are as under:

Sr. No.	<u>POINTS</u>	<u>FINDINGS</u>
1.	Whether the applicants are entitled for heirship certificate, as claimed for?	..Yes.
2.	What order?	...The application is allowed.

:: REASONS ::

6. In order to substantiate the claim, the applicant No.1 for himself and for applicant no.2 to 4 has filed his affidavit in lieu of examination in chief [Exh.26] and placed reliance on the document viz., original Death Certificate of deceased Survana Netaji Pawar [Exh.27] and filed evidence close pursis dt. 18.11.2025[Exh.28].

7. Having considered the scope of Chapter I of the Act, whenever a person dies leaving property, whether movable or immovable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery, of the property, in

conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court formally recognize. If an heir is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe, the Judge shall issue a proclamation. In the case in hand, the proclamation is issued inviting all persons to dispute the right of applicants to appear in the court within one month from the date of proclamation, but no one appeared.

8. It is matter of fact that firstly the applicants filed application praying to grant certificate in favour of applicant no.1 to 3. But, thereafter by way of amendment, name of husband of deceased came to be added and thereafter, they prayed for grant of Heirship certificate. I have given thoughtful consideration to the averments in the application coupled with document on record. From the document, it is proved that deceased Survana Netaji Pawar died on 12.3.2023. Despite publication of public notice, no one has appeared and raised any objection till date.

9. It is significant to note that the applicants stated that deceased had applied to Satara Municipal Council to get benefit of hut under the said scheme at City Survey No.409 to 415 at Sadar Bazar, Satara. The applicants produced on record the letter dtd.16.09.2016 issued by C.E.O., Satara Municipal Council to deceased Survana Pawar in respect of payment of premium mentioned therein which comes under the said scheme. The facts remains that the applicants only claiming that they be formally

recognized the heirs of said deceased. Needless to mention that grant of heirship certificate does not confer right, title and interest in the property. It is only formal recognition of their status as heirs. The applicants proved their entitlement. Thus, the application deserves to be allowed and following order is passed:

: ORDER :

1. The application is allowed.
2. The applicants are formally recognized the heirs of deceased Survana Netaji Pawar, on payment of necessary court fees as per rules.
3. The application is disposed of accordingly.

Place :- Satara
Date :- 21.7.2026.

[Arya A. Nikam]
6th Jt. Civil Judge, Junior Division,
Satara.