

MHGO060011732022

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**In the Court of Civil Judge Junior Division, Arjuni/Morgaon.
At: Arjuni/Morgaon, Dist.: Gondia
(Before Manod V. Tokale)**

**MJC No. 48 of 2022
Exh.15**

- 1. Smt. Usha wd/o Vasantrao Khune,**
Age-57 years, Occ.-Household,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
- 2. Sau. Sima w/o Tekchand Jambhulkar,**
Age-36 years, Occu-Housewife,
R/o. Khamkhura,
Tal-Arjuni/Morgaon, Dist-Gondia.
- 3. Sau. Shilpa w/o Sunil Mungmode,**
Age-34 years, Occu-Housewife,
R/o. Papada,
Tal-Arjuni/Morgaon, Dist-Gondia.
- 4. Manisha d/o Vasantrao Khune,**
Age-32 years, Occu-Education,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
- 5. Sau. Trupti w/o Iyandra Gaupale,**
Age-30 years, Occu-Housewife,
R/o. Nakadongari,

Tal-Tumsar, Dist-Bhandara.

6. **Smt. Sindhu wd/o Vasantrao Khune,**
Age-57 years, Occu-Housewife,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
7. **Sau. Vidya w/o Ajay Ramteke,**
Age-40 years, Occu-Housewife,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
8. **Sau. Jayshree w/o Vikas Lanje,**
Age-36 years, Occu-Housewife,
R/o. Budhewada,
Tal-Arjuni/Morgaon, Dist-Gondia.
9. **Sau. Maheshwari w/o Lekram Patale,**
Age-34 years, Occu-Housewife,
R/o. Khamba,
Tal-Sakoli, Dist-Bhandara.
10. **Sau. Jyoti w/o Adesh Raut,**
Age-32 years, Occu-Housewife,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
11. **Shri. Kulbhushan s/o Vasantrao Khune,**
Age-31 years, Occu-Labour Work,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia.
12. **Shri. Mrutyunjay s/o Vasantrao Khune,**
Age-29 years, Occu-Labour Work,
R/o. Wadegaon/Railway,
Tal-Arjuni/Morgaon, Dist-Gondia. ... Applicants

Versus

None

...The Opponent

Claim:- Application for Legal heir-ship certificate under Bombay Regulation Act, 1827.

Advocate for the Applicants: Adv. H. B. Tulshikar

:: JUDGMENT ::
(Delivered on 06th December, 2022)

(1) This is an application for issuance of legal heirship certificate.

Brief facts of the case are as under:-

(2) Applicants have filed this application to recognize them as legal heirs of late Vasantrao s/o Ramnath Khune who died on 06/11/2005. It is contended that applicant no.1 and 6 are wives, applicant no.2, 3, 4, 5, 7, 8, 9, 10 are daughters and applicant no. 11 and 12 are sons of late Vasantrao s/o Ramnath Khune.

(3) On receipt of the application, citation has been issued and public notice is also given in the newspaper. Nobody appeared and filed any objection to present application.

(4) Perused application, evidence and documents filed on record. On the basis of these material following points arises for my determination, I have recorded my findings thereon as under.

	<u>Points</u>		<u>Findings</u>
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1)	Whether applicants are legal heirs of late Vasant Rao s/o Ramnath Khune?		 Yes.
2)	What order ?		Application allowed.

:: REASONS ::

AS TO POINT NO.1 :-

(5) Perused the affidavit(Exh.12) for examination-in-chief filed by applicant no.1 and documents proved by them i.e. legal heirship certificate issued by Sarpanch Wadegaon, death certificate of late Vasant Rao s/o Ramnath Khune, aadhar cards of applicant no. 1 to 12, aadhar card and Public notice published in the newspaper “Navrashtra” is and copy of proclamation dated 03rd November, 2022. It is contended that late Vasant Rao s/o Ramnath Khune died on 06/11/2005. Applicant no. 1 and 6 are wives, applicant no.2, 3, 4, 5, 7, 8, 9, 10 are daughters and applicant no. 11 and 12 are sons of late Vasant Rao s/o Ramnath Khune. It is also contended that, except applicants there are no legal heirs to late Vasant Rao s/o Ramnath Khune.

(6) In view of provisions of Bombay Regulation Act, the heirship certificate issued by Zilla Court i.e. District Court and in view of the provisions of Bombay Civil Court Act, 1969 and as the procedure for proceeding under the provisions of Indian Succession Act, 1925 and Bombay Regulation Act, VIII of 1827 Chapter XIV in Civil Manual issued by Hon'ble High Court of Judicature from para 304 to 319 as the

power of District Court have been invested with the Civil Judge.

(7) It is further provided that power of non-contentious matter have been invested with all the Civil Judges and in contentious matter that any objection have been raised vested with the Civil Judge, Senior Division only as per para 305 Clause-II.

(8) In view of above legal provisions and guidelines and after considering evidence led on record i.e.legal heirship certificate issued by Sarpanch Wadegaon, death certificate of late Vasant Rao s/o Ramnath Khune, aadhar cards of applicant no. 1 to 12, aadhar card and Public notice published in the newspaper "Navrashtra" is and copy of proclamation dated 03rd November, 2022. It is contended that late Vasant Rao s/o Ramnath Khune died on 06/11/2005. Applicant no. 1 and 6 are wives, applicant no.2, 3, 4, 5, 7, 8, 9, 10 are daughters and applicant no. 11 and 12 are sons of late Vasant Rao s/o Ramnath Khune. There is no reason to hold the contrary as against applicants. Nobody has raised any objection. Hence, the findings on the point No.1 recorded in the affirmative.

(9) In view of the above discussion, I pass the following order.

:: ORDER ::

1. Application is allowed.
 2. It is hereby declared that applicant no.1. **Smt. Usha wd/o Vasant Rao Khune**, 2.**Sau. Sima w/o Tekchand Jambhulkar**, 3.**Sau. Shilpa w/o Sunil Mungmode**,
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4.Manisha d/o Vasantrya Khune, 5. Sau. Trupti w/o Iyandra Gaupale, 6. Smt. Sindhu wd/o Vasantrya Khune, 7. Sau. Vidya w/o Ajay Ramteke, 8.Sau. Jayshree w/o Vikas Lanje, 9.Sau. Maheshwari w/o Lekram Patale, 10. Sau. Jyoti w/o Adesh Raut, 11.Shri. Kulbhushan s/o Vasantrya Khune, 12.Shri. Mrutyunjay s/o Vasantrya Khune, are legal heirs of late Vasantrya s/o Ramnath Khune. The legal heirs recognition be issued in the name of applicant nos.1 to 12 being legal heirs of late Vasantrya s/o Ramnath Khune on furnishing requisite stamp under Article 12, Schedule-I of Bombay Court Fees Act and as per Appendix-B.

Sd/-

Arjuni/Morgaon
Date:07/12/2022

(Manod V. Tokale)
Civil Judge Junior Division, Arjuni/Mor.
District-Gondia.