



ORDER BELOW EXH.01 IN CIVIL MISC. APPLN NO.57/2022
(CNRNo.MHKO180007832022)
(Dattatraya Berad (Naik-Akole) and another Vs. Nil)

1. This is an application filed by the applicant, as per Bombay Regulation Act, 1827 for issuance of Heirship Certificate. As per the contention of the applicants, deceased Basawanta Bharama Berad (Naik-Akole) is brother of applicants. Basawanta Bharama Berad (Naik-Akole) died unmarried on 31/03/1988. There is no any other legal heir except the applicants to the deceased. The applicants are only legal heir of the deceased Basawanta Bharama Berad (Naik-Akole). The legal heirship certificate is required for official purpose. Hence, this application is filed.
2. By considering the contention in this application, public notice published in the local newspaper “Mahan Karya” dated 25/11/2022 and called objections. But within prescribed period nobody has raised objection about the claim of the applicants. Citation notice is also issued but nobody approached to this court to raise objection hence the application proceed further and kept for evidence.
3. The applicants have adduced their evidence by filing claim affidavit, of applicant No.1 Dattatraya Bharama Berad (Naik-Akole) at Exh.10. He has also filed affidavit of Mahadev Shankar Berad at Exh.9. In support of their contention, they have filed original copy of Death Certificate of deceased Basawanta Bharama Berad (Naik-Akole) at Exh.11,

copy of news paper at Exh.12 and closed evidence by filing pursis at Exh.13.

4. In the evidence of the applicants, it is brought on record that, deceased Basawanta Bharama Berad (Naik-Akole) is brother of applicants. Basawanta Bharama Berad (Naik-Akole) died unmarried on 31/03/1988. There is no any other legal heir except the applicants to the deceased. The applicants are only legal heir of the deceased Basawanta Bharama Berad (Naik-Akole).

5. In the present matter public notice issued in the local newspaper "Mahan Karya", dated 25/11/2022 but within prescribed period nobody raised the objection about claim of the applicants. Proclamation is also on record at Exh.6. Original copy of Death Certificate of the deceased is filed on record, at Exh.11 shows that Basawanta Bharama Berad (Naik-Akole) died on 31/03/1988. All documents filed on record corroborates to the oral evidence of the applicant. As nobody appeared and raised objection, the entire testimony and version of applicant's witness has gone unchallenged and unshaken.

6. Therefore, I have no hesitation to place reliance upon the same and conclude that, the applicants are entitled to formally recognized as legal heir of the deceased Basawanta Bharama Berad (Naik-Akole). Under such circumstances, I think, it would be just and proper to issue Heirship Certificate that, the applicants are legal heir of the deceased. Therefore, I proceed to pass the following order :-

ORDER

- i Application is hereby allowed.
- ii Issue Heirship Certificate in the name of the applicants as they are the legal heir of deceased Basawanta Bharama Berad (Naik-Akole).
- iii Certificate be issued, after payment of requisite court fees, as per schedule I Article 12 of the Bombay Court fees Act.

Dt.13.07.2023.

(S.S.Ingle)
Civil Judge (J.D.), Kurundwad.