



Civil Miscellaneous Application No. 159/2022

(C.N.R. - MHJG19 - 000824 - 2022)

(Shamkant Shinde and others V/s No one)

Order passed below Exh. No. 1

1. This application has been filed by applicants seeking issuance of heir-ship certificate under the Bombay Regulation, 1827.
2. Applicants state in their application that deceased Narayan Kisan Shinde was the father of applicants No. 1 to 3. Narayan Kisan Shinde was died on 29/03/2022 leaving behind applicants as legal-heirs. Nobody is the other heir to the deceased Narayan Kisan Shinde except them. On this basis, they pray for issuance of heir-ship certificate to administrate the property stands in the name of deceased.
3. Public notice has been duly published in daily newspaper "Lokshahi" dated 01/12/2022 inviting objections, if any, from interested people to grant heir-ship certificate in the name of applicants. Proclamation has been duly published in the locality, where the deceased was residing before his death. Nobody appeared to raise the objection to this application.

4. Applicants have filed an original copy of death certificate of deceased Narayan Kisan Shinde at Exh. No. 14, an original copy of death certificate of deceased Kasabai Narayan Shinde at Exh. No. 15, an original copy of death certificate of deceased Ranubai Kisan Shinde at Exh. No. 16, original copy of light bill at Exh. No. 18, verified copies of Aadar Cards of the applicants and local inspection report of Nagarparishad, Parola, Tal. Parola, Dist. Jalgaon. The fact that, Narayan Kisan Shinde was died on 29/03/2022 as mentioned in the application, is substantiated. The applicant No. 1 has filed his affidavit of evidence at Exh. No. 11 on behalf of all the applicants. He has reiterated the fact that after death of Narayan Kisan Shinde, applicants are the only heirs. His evidence has been remained unchallenged. Also, there is no objection by anyone to challenge heir-ship of applicants. Therefore, applicants are entitled for heir-ship certificate.

5. The object of the Bombay Regulation, 1927 is to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts. The Hon'ble Bombay High Court in the case of **In Re : Ganpati Vinayak Achwal (MANU/MH/1485/2014)** held as follows :-

“The position of law that emerges from the above provisions is that, an heir-ship certificate does not bestow the status of an heir upon a person. Grant of such a certificate is only a formal recognition of his existing

status as an heir. An heir or executor or legal administrator, by his such status, can assume management of the property of the deceased even without a formal recognition by the Court. A person may obtain heir-ship certificate in any of the three situations i.e. (i) if he so desires (ii) where his right as an heir is disputed, and (iii) in order to give confidence to the persons in possession of or indebted to the estate and to deal with them. Thus grant of heir-ship certificate is solely, for the convenience of the heir. Beyond that, it is of no significance. The rules also indicate that, it is mandatory for the Court to issue an heir-ship certificate, if after publication of citation, no objector comes forward within one month from the date of publication. In that case, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant a certificate in the prescribed form declaring him the recognized heir of the deceased. The scope of such enquiry is limited to ascertain the claim of heir-ship of the applicant. The petitioner's claim and the impugned order are required to be appreciated against the above legal position.”

6. Applicants, in their application, have stated that, for entering their names to the electric meter, they are in need of heir-ship certificate. The material on record shows that, applicants are only the heirs of deceased. No one has objected their claim.

Those facts are sufficient to grant heir-ship certificate in favour of the applicants by formally recognizing them as legal-heirs of deceased Aasaram Ramdas Patil. Hence, I pass the following order :-

Order

1. The application is allowed.
2. Applicants are recognized formally as heirs of deceased Narayan Kisan Shinde only in respect of entering their names to the electric meter.
3. Applicants do furnish a bond that as and when, they are called upon, they would exhibit in the Court a full and true inventory of all the property and credits in the possession under this certificate, and also render to the Court a true account of the said property and credits, showing the assets, which have come to their hands and the manner, in which, they have been applied or disposed of.
4. Certificate be issued in the name of the applicants on furnishing proper court fees as per rule.
5. Concern Office, where this certificate is to be used, shall take note that the said certificate is only issued for the administration of above mentioned property and it can not be used for any kind of monitory benefits.

(K.K. Mane)

Date : 11/01/2023.

Civil Judge, Junior Division, Parola,
Tal. Parola, Dist. Jalgaon.