

MHAH180024712022 	Received on	07/10/2022
	Registered on	07/10/2022
	Decided on	10/01/2023
	Duration	00Y 03M 03Ds

IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, RAHURI
DIST.AHMEDNAGAR

(Presided over by Smt. A. S. Wadkar)

Civil Misc.Appln.No.65/2022

Exh.No.12

			Sangita Shantwan Pandit, Age – 50 Yrs., Occ. - Nil., R/o. Rajwada, Rahuri Bk., Tal.Rahuri, Dist.Ahmednagar.	APPLICANT
			<u>VERSUS</u>	
			<u>NIL</u>	OPPONENT

Application for Heirship Certificate under Bombay Regulation Act, 1927.

APPEARANCE :

Ld.Advocate for applicant : Shri.A.B.Tanpure.

J U D G M E N T

(Delivered on : 10/01/2023)

Applicant has filed the present application for heirship certificate under the Bombay Regulation Act.

2. The facts of present application in nutshell is as under :-
The mother of the applicant namely Manubai Ramchandra

Salve is died on 20/01/2022. She was retired from the service of Rahuri Nagar Parishad. The above applicant made an application to Rahuri Nagar Parishad for getting amount of arrears of 7th Pay Commission in the name of deceased Manubai. But, the concerned department has asked her to bring the legal heirship certificate from the court. Hence, applicant has filed the present application to recognize her as the legal heirs of deceased Manubai Ramchandra Salve for getting the arrears amount of 7th Pay Commission in the name of her mother namely Manubai Ramchandra Salve. Consequently, prayed to allow the application.

3. The objections of the public at large were called by issuing citation in daily newspaper 'Prabhat' dated 23/10/2012 and also proclamation was called as provided in the provision under Section 18 of the Bombay Regulation Act. In spite of same, no one appeared before the Court to challenge the legality and claim of the applicant. No objection has been raised by anybody else. The report of citation is on the record at Exh.5.

4. Considering pleadings of applicants and submission of Ld. Adv.Shri A.B.Tanpure for the applicant, following points arise for my determination, to which, I have recorded my findings against each of them for the reasons given below.

Sr. No.	POINTS		FINDINGS
1.	Whether the applicant is entitled for legal heirship certificate as asked for ?	...	Yes.
2.	What order ?	...	Application is allowed.

REASONS

POINT NO.1:-

5. In order to establish the claim, applicant Sangita Shantwan Pandit (A.W.1) has filed her affidavit of examination-in-chief at Exh.10. In support of oral evidence, the applicant has filed death certificate of Manubai Ramchandra Salve, the letter of Rahuri Nagar Parishad, Rahuri and the photocopy of Aadhar Card of the applicant.

6. The applicant Sangita Shantwan Pandit has reiterated near-about all contents of application (Exh.1) in her affidavit of examination-in-chief at Exh.10. In order to avoid the repetition, I find it not to reproduce the same.

7. The evidence of the applicant Sangita (A.W.1) remained unchallenged as none appeared and raised objection to the application. It is seen from the evidence of the said applicant that the amount of arrears of 7th Pay Commission is lying in the name of deceased Sangita at Rahuri Nagar Parishad. The applicant is the only legal heir to deceased Sangita Shantwan Pandit. Documentary evidence corroborates the contention of applicant.

8. As discussed above, despite issuance of citation notice and paper publication, none appeared and raised objection to the application. Consequently, the evidence of the applicant Sangita (A.W.1) remained unchallenged. Since, the evidence of applicant remained unchallenged, I have no hesitation to accept the contention of the said applicant that except her there are no legal heirs to deceased Manubai Ramchandra Salve. As such, the application deserves to be allowed. Resultantly, Point No.1 is answered in the affirmative. In result, following order.

ORDER

1. The application is allowed.
2. The legal heirship certificate be issued in the name of applicant Sangita Shantwan Pandit on furnishing stamp as per the provisions of Article-12, Schedule-I of the Bombay Court Fees Act and as per Appendix-B as legal heirs of deceased Manubai Ramchandra Salve for the purpose of getting arrears amount of 7th Pay Commission standing in the name of deceased Sangita Shantwan Pandit.

(Pronounced in open Court.)

Place - Rahuri.
Date - 10/01/2023.

(A. S. Wadkar)
Civil Judge, J.D.,
Rahuri, Dist. Ahmednagar.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Name of the Stenographer	:	R.M.Aragade
Court	:	C.J.J.D. & J.MF.C. Court, Rahuri.
Order Date	:	10/01/2023
Order signed by the Presiding Officer on	:	10/01/2023
Order uploaded on	:	10/01/2023