

MHGA050008262022



IN THE COURT OF CIVIL JUDGE (JR.DN.), DESAIGANJ
(Presided Over by Ajit B. Madke)

M.J.C. No.49/2022

- 1] **Smt. Malanbai Dadaji Jambhulkar,**
Age 62 years, Occ. Nil,
- 2] **Shri. Gunaji Dadaji Jambhulkar,**
Age 52 years, Occ. Labour,
- 3] **Shri. Manohar Dadaji Jambhulkar,**
Age 50 years, Occ. Labour,
- 4] **Shri. Pruthviraj Dadaji Jambhulkar,**
Age 46 years, Occ. Labour,
- 5] **Shri. Krishna Dadaji Jambhulkar,**
Age 45 years, Occ. Labour,
All r/o, Ravanwadi,
Tah. Desaiganj, Distt. Gadchiroli.

... **APPLICANTS**

VERSUS

--Nil--

... **NON-APPLICANT**

Appearance : Advocate for applicants	: Shri. M. R. Shende
Non-applicant	: --Nil--.

Order Below Exh.1

(Passed on 28th day of March, 2023)

1. Perused the application. Heard, Shri. M. R. Shende learned advocate for applicants. Instant application is filed by the

applicant for issuance of legal heirs ship certificate under clause 3 of the Bombay Regulation, VIII of 1827.

2. Malanbai Dadaji Jambhulkar (AW-1) deposed by way of affidavit in lieu of her examination-in-chief (Exh-10) that, her husband namely **Dadaji Gopala Jambhulkar** died on **15.04.2021**. After the demise of the deceased Dadaji, the applicants are the only legal heirs. The deceased has no other legal heirs except the applicants.

3. The applicant required the said certificate for mutation on movable and immovable property and official purpose. The concerned officer are asking to the applicants to bring the legal heir-ship certificate from the Court. The applicants require the heirship certificate for the said purposes.

4. The applicant filed documents on record which includes copy of Death Certificate of deceased Dadaji (Exh.19), copy of affidavit (Exh.11), succession certificate given by Police Patil, Boldha (Exh.12) succession certificate given by Grampanchayat, Boldha (Exh.13), Copies of Aadhar Card of applicants (Exhs.14 to 16). The copy of publication published in "Navrashtra" newspaper (Exh.18) dated 18.11.2022 for the calling objection for the issuance of legal heirs certificate to the applicants and its bill (Exh.17).

5. The evidence on behalf of applicant is remained unchallenged as nobody resisted the claim of applicants. It appears

that, the notice of application made by applicants have been published through the daily newspaper having wide circulation in the locality and also copy was affixed on the notice board of this court as well as concerned Nagar Parishad, Desaiganj, Th. Desaiganj on beat of drum, but no one is appeared from public at large in the proceedings. It appears that, the application at Exh-01 for issuance of heirship certificate remained uncontested and unchallenged. Thus, applicant by adducing evidence proved that, they are the only legal heir of deceased.

6. Needless to say that, the issuance of heirship certificate does not confer any right on any person in respect of property of deceased. The issuance of heirship certificate in the name of applicants are the formal recognition of the applicants as legal heirs of the deceased and the applicants have established their said claim. Therefore, it is just and desirable to issue legal heirship certificate in favour of applicant. Hence, I proceed to pass following order.

ORDER

1. The application is allowed.
2. Legal heirship certificate be issued in the name of the Applicants, as they being the legal heirs of deceased **Dadaji Gopala Jambhulkar** on payment of requisite court fees.
3. The note should appended to certificate that applicants are required, within six months from the date of this certificate, or within such further time as the court may from time to time

grant, to Exhibit in the court a full and true inventory of all the property and credits in his possession under this certificate, and also within one year from the same date or within such further time as a court may from time to time grant, to tender to the court a true accounts of the said property and credits, showing the assets which have come to their hands and the manner in which they have applied for disposed off.

Place: Desaiganj.
Date :-28.03.2023.

(Ajit B. Madke)
Civil Judge (Jr.Dn.),
Desaiganj.