

MHAM160016392022



Order below Exh-1 in Succ. Case No.196/2022

Padma & Ors. Vs. Nil.

(Passed on 23/01/2023)

1. This is an application filed by applicants for issuance of heir-ship certificate under Bombay Regulation VIII 1827.
2. The applicants submitted that deceased Raju Haridas Rangari (Rangarkar) was permanent resident of Kodori, Tq. Nandgaon Kh., Distt. Amravati. He died on 05/10/2021 at village Kodori, Tq. Nandgaon Kh. Mother of deceased Raju namely Rupabai Haridas Rangari was expired at village Majri Mahsale, Tq. Nandgaon Kh., Dist. Amravati. The applicant No. 1 is widow of deceased Raju. The applicant Nos.2 to 5 are children of deceased Raju and applicant No.1. The applicants are the only Class I legal heirs of deceased Raju. They further submitted that heir-ship certificate is required for official purpose. With this, they prayed to allow present application.
3. The applicants filed affidavit of applicant No.1 at Exh.09. She deposed as per contents of application. The applicants filed following documents on record in support of their claim:-
 - i. Death certificate of deceased Raju issued by Nagar Panchayat, Nandgaon Kh., Tq. Nandgaon Kh. is at Exh.10,
 - ii. Verified copy of Ration card is at Exh. 11,

- iii. Verified Photocopies of Aadhar card of applicants are at Exh. 12 to 16 respectively,
 - iv. Paper publication issued dated 22/11/2022 in daily newspaper 'Janmadhayam' is at Exh.17,
 - v. Evidence close pursis filed by applicants at Exh.18.
4. Perused the application and documents on the record. Heard Ld. Adv. D. S. Choudhari on behalf of applicants.
5. It is gathered from oral evidence on record that deceased Raju was permanent resident of village Kodori, Tq. Nandgaon Kh. Therefore, this Court has jurisdiction to try and entertain present matter. It is evident from record that the applicant No.1 is widow of deceased Raju and applicant Nos. 2 to 5 are children of deceased Raju and applicant No.1. It is evident from original death certificate (Exh.-10) that Raju was died on 05/10/2021 leaving behind applicants as only legal heirs. It appears from oral evidence that mother of deceased Raju namely Rupabai was dead. Admittedly, the applicants and deceased Raju are Hindu by religion. Therefore, they are governed by Hindu Succession Act. As per Schedule I of Hindu Succession Act, 1956, widow, daughter & sons are Class I heirs of deceased male Hindu. Thus, it appears that applicants are the only Class I heirs of deceased Raju.
6. In order to strengthen claim of applicants, a public proclamation was also issued in the above named local newspaper, for calling upon any objection in respect of claim of the applicants. However, till today, no one appeared and filed any objection.

Therefore, claim of the applicants remain unchallenged. Hence, I arrived at the conclusion that applicants are the only legal heirs of deceased Raju Haridas Rangari (Rangarkar). Therefore, applicants being heirs of the deceased Raju are entitled for heir-ship certificate. The purpose mentioned by the applicants appears to be genuine.

7. Considering facts and evidence on record, I am of the view that present application deserves to be allowed. The certificate shall be issued only after paying requisite Court fees. In result, I pass following order.

Order

1. Application is allowed.
2. Heir-ship Certificate be issued under Bombay Regulation VIII 1827, in favour of applicant Nos. 1 to 5.
3. The applicants shall pay the Court fees as per rules for issuance of Heir-ship Certificate.
4. The applicants are formally recognized heirs of deceased Raju Haridas Rangari (Rangarkar).

Date:-23/01/2023.

Place:-Nandgaon Kh. (Satishkumar Shripatrao Gaikwad)
Civil Judge Jr. Div.,
Nandgaon Khandeshwar,
Distt. Amravati.

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

Name of the Stenographer	Smt. V. A. Suryawanshi (L.G.)
Name of Court	Civil Court Jr. Dn. & J.M.F.C., Nandgaon Kh.
Date of Dictation	23/01/2023
Order signed by the P.O. on	23/01/2023