

MHNG020004332026

M.J.C. No. 121/2026

Anil vs. Nil



THE COURT OF JT. CIVIL JUDGE JUNIOR DIVISION,
NAGPUR, DISTRICT NAGPUR
(Presided Over By M.K.Patil)

ORDER BELOW EXH – 01
(Passed on 28th day of July 2026)

The present application filed by the applicant No.1-Anil Krishnarao Kale, applicant no.2-Chandrakant Krishnarao Kale, applicant no.3- Vijay Krishnarao Kale, applicant no.4- Nitin Krishnarao Kale, applicant no.5- Mamata Sanjay Devkar and applicant no.6- Yogita Purushottam Khobragade under The Bombay Regulations VIII of 1827 for grant of heir-ship certificate in respect of deceased Krushnarao Dajiba Kale who died on 06/10/2003 at Nagpur.

2. In the present application, it is submitted by the applicants that, the applicant no.1 to 4 are sons and applicant no. 5 and 6 are daughters of deceased Krushnarao Dajiba Kale. The wife of deceased Krushnarao Dajiba Kale namely Sushila Krishnarao Kale died on 03.06.2002. The daughter of deceased Krushnarao Dajiba Kale namely Jaymala Prakash Salekar died on 28.09.2023 and her husband namely Prakash Madhavrao Salekar also died on 23.02.2021. Except the present applicants there is no other legal heirs to deceased Krushnarao Dajiba Kale. The deceased Krushnarao Dajiba Kale his owner of Tenement no.8 68 of the 96 LIG colony, situated at Shanti Nagar, Nagpur and the say has been given to him by Mhada by executing lease deed and sale deed. Applicants have applied for mutating their name to the said property in

the place of name of deceased Krushnarao Dajiba Kale to Mhada Nagpur but the said authority directed to applicants to bring the legal heir-ship certificate of deceased Krushnarao Dajiba Kale. The applicants required heirship certificate of deceased Krushnarao Dajiba Kale for various government and semi government purpose for mutating their names. Therefore, cause of action arose to the applicants to file the present application. With these submissions, it is prayed that, the application to be allowed.

3. In the present matter, this Court has issued official proclamation through citation notice (Exh.06) and public notice in daily newspaper "Dainik Bhaskar" dated 08.02.2026 at (Exh.08-A) circulated locally inviting all the person who disputes the rights of applicants to appear in this Court within one month from the date of proclamation and entire their objections. However, at the expiration of time mentioned in proclamation, nobody appeared to raise any objection.

4. The applicant no. 2-Chandrakant Krishnarao Kale has filed his evidence affidavit in lieu of examination-in-chief (Exh.09). The applicants have filed original death certificate of deceased Krushnarao Dajiba Kale, death certificate of Sushila Krushanaro Kale, Adhar card and Pan card applicant no. 1 to 5, Adhar Card of applicant no.6, School leaving certificate of applicant no.6, death certificate of Jaymala Salekar and Prakash Salekar, the letter dated 25.11.2025 issued by Mhada, Nagpur to applicant no.2 and power of attorney dated 17.01.2026 executed by applicant no. 1 and 3 to 5 to the applicant no.2 at Exh. 12 to 29. The citation and Proclamation published in Newspaper "Dainik Bhaskar" dated 08.02.2026 at (Exh.06 and 08-A). Heard the arguments advanced by learned advocate for applicants.

5. Considering the matters before this Court, following points arise for my determination. Decisions on them are recorded for reasons to follow -

Sr.No	<u>Points For Determination</u>	<u>Decisions</u>
1]	Whether applicants are legal heirs of deceased Krushnarao Dajiba Kale ?	... Yes.
2]	Whether applicants are entitled to be declared as formally recognized heirs of deceased ... Krushnarao Dajiba Kale ?	Yes.
3]	What order?	... Application is allowed.

REASONS

As To Points No.1 to 3 -

6. The applicant no. 2-Chandrakant Krishnarao Kale in his evidence affidavit at Exh.09 and therein he has reiterated the contention made in the present application. Even after issuance of proclamation and expiration of the time mentioned in it, nobody has appeared to raise objection. Therefore, contents in application and evidence of applicants has gone unchallenged. The applicants also filed on record original original death certificate of deceased Krushnarao Dajiba Kale, death certificate of Sushila Krushanaro Kale, Adhar card and Pan card applicant no. 1 to 5, Adhar Card of applicant no.6, School leaving certificate of applicant no.6, death certificate of Jaymala Salekar and Prakash Salekar, the letter dated 25.11.2025 issued by Mhada, Nagpur to applicant no.2 and power of attorney dated 17.01.2026 executed by applicant no. 1 and 3 to 5 to the applicant no.2 at Exh. 12 to 29. Therefore, in the present matter, the applicants have through sufficient, cogent and reliable evidence prove that, they are the only legal heirs of deceased Krushnarao Dajiba Kale. Therefore, there is absolutely no legal

impediment in granting the legal heirship certificate in favour of applicants as prayed for. Therefore, the present application deserves to be allowed. Hence, this court answered points Nos.01 & 02 in the affirmative and to answer point No.03 pass the following order:

ORDER

- 1] The present application is hereby allowed.
- 2] It is hereby declared that, applicant No.1-Anil Krishnarao Kale, applicant no.2-Chandrakant Krishnarao Kale, applicant no.3-Vijay Krishnarao Kale, applicant no.4- Nitin Krishnarao Kale, applicant no.5- Mamata Sanjay Devkar and applicant no.6-Yogita Purushottam Khobragade are formally recognized legal heirs of deceased Krushnarao Dajiba Kale for reasons mentioned in the present application.
- 3] Issue Certificate of Heir-ship in form **Appendix-B** in the name of applicant on payment of requisite court fees.
- 4] Case and proceedings stands disposed of accordingly.

Nagpur,
Date: 28.07.2026

(**M.K.Patil**)
Jt.Civil Judge Junior Division,
Nagpur, District Nagpur.