

MHNS020002862021



ORDER BELOW EXH. 1 IN CIVIL M.
A. No. 64/2021.

Ranjana Kamable
Vs.
Pawan Kambale & Ors.,

1. This petition filed by petitioner namely Ranajana Mahavir Kambale and respondents no.1 to 3 Shri. Pawan Mahavir Kamable, Shri.Pravin Mahavir Kambale and Vibhatai Mahavir Kamable @ Vibhatai Martand Kamable under Section (2) of the Bombay Regulation Act VIII of 1827 to grant heirship certificate.

2. It is the contention of petitioner and respondents that, petitioner is widow of deceased Mahavir Aannappa Kamabale, respondents no.1 to 3 are sons and married daughter of deceased Mahavir Aannappa Kamabale. He died on 16.01.2020 at Nashik. There is no other legal heirs of late Mahavir Aannappa Kamabale except petitioner and respondents.

3. It is the further contention of petitioners that, house/tenement no. N-51/KA/1/17/7, 5th Scheme, Cidco, plotted area 25.97 Sq.mtrs and built up area 13.70 Sq.mtrs situated within the limits of City and Development Corporation Maharashtra Ltd. Cidco Nashik (hereinafter referred to as "Cidco" for short). The above said property was initially allotted in the name of deceased Mahavir Aannappa Kamabale. After the demise of late Mahavir Aannappa Kamabale, petitioner had been to the Cidco office for recording her name to the above said property at that time officials of concerned office demanded the heirship certificate from her. Thus petitioner is in need heirship certificate for recording her name to the property mentioned in the

application.

4. On presentation of this petition, the citation notice was published (Exh.7) and the public notice was issued through paper publication in daily news paper (Exh.12) 'Deshdoot' dated 05.01.2022 and the objections, if any of the interested persons disputing their claim was called. But, nobody has raised dispute to their claim till today. Petitioner has filed necessary documents on record. Respondents no.1 to 3 appeared suo moto in person and filed pursis at Exh.08 on record and given their no objection for issuing heirship certificate in the name of petitioner.

5. Heard learned Adv. Smt. Gayatri Udargirkar for petitioner and none appeared for respondents.

6. Upon considering record, in view of the submissions, it appears that petitioner has filed claim affidavit at Exh.13 wherein she has stated all the facts as averred in her petition. Further to substantiate her contentions, petitioner has placed copy of death certificate of deceased Mahavir Aannappa Kamabale (Exh.26), copy of lease deed agreement in the name of deceased Mahavir Aannappa Kamabale (Exh.27), tenement transfer order issued by Cidco Office (Exh.28), possession receipt (Exh.29). Petitioner has closed her evidence by filing pursis (Exh.18).

7. On perusal of death certificate filed on record it reveals that late Mahavir Aannappa Kamabale died on 16.01.2020. Further petitioner has filed all necessary documents as mentioned above to show that above mentioned property is standing in the name of late Mahavir Aannappa Kamabale.

8. The petitioner has filed present petition and claimed heirship certificate for entering her name in the record of above said property and respondents have also given their no objection. However, while issuing heirship certificate there is formal recognition of all Class-I heirs as per law. Thus certificate cannot be issued in favour of petitioner only as prayed. However, it has to be issued in favour of all Class-I including respondents along side petitioner. So far as the mutation of record of the property is concerned, respondents can tender their no objection in the concerned office, so as to enter the said property in the name of petitioner only as per their family arrangement. As per provisions of Bombay Regulation Act, 1827, heirship certificate can be granted for transferring immovable property of deceased person. Therefore, from above discussion I have no hesitation to recognize the petitioner and respondents no.1 to 3 as heirs of late Mahavir Aannappa Kamabale. Hence, the petition deserves to be allowed. Hence, the order -

ORDER

1. The petition is allowed.
2. Issue Heirship Certificate in the name of petitioner and respondents no.1 to 3 vide Section VIII of the Bombay Regulation Act, 1827.
3. Petitioner and respondents to pay necessary Court fees for engrossing heirship certificate as per Article 12 of Maharashtra Court Fees Act.
4. Said heirship certificate cannot be used by petitioner and respondents for any other purpose especially entering their names to other immovable properties except the property as mentioned above.

(Dictated and pronounced in open Court).

Place :- Nashik.
Date :- 10/08/2026.

(Sachin H. Khade)
6th Civil Judge Senior Division,
Nashik.