



**In the Court of 8th Additional Civil Judge
& JMFC,
At: RAJKOT**

Civil Misc. Application No.223 /2026
Exh. No.

Applicant:

Dharmeshbhai Prabhakarbhair Pathak
Aged 51 yrs, Occu- Job,
R/o. Block No. D/1-A-303,
Vastrapur Sarkari Vashahat,
Drive-inroad, Ahmedabad.

Sub. :- Application for Heirship Certificate.

Mr. R. N. Joshi, Learned Advocate for the applicant.

:-: ORDER :-:

[1] Brief facts of the application is that Dintaben Prabhakarbhair Pathak expired on 29/04/2016 and present applicant is heir of the said deceased. Deceased had passed away without making any will or testament in respect of her immovable property. Applicant had not filed any application before any other court for obtaining Heirship Certificate of the

deceased Dintaben Prabhakarbhai Pathak. And applicant has preferred an application to obtain Heirship Certificate under the provisions of **The Bombay Regulation Act**, in respect of the immovable property of deceased as mentioned in Schedule attached with this application with Exh.1.

[2] Pursuant to present application, it appears that a public notice inviting objection to the grant of Heirship Certificate published in daily newspaper 'Sanjsamachar' on 18/02/2026 and the copy of said newspaper is produced on record vide Ex. 16. And in response to the publication of the said notice, no one has appeared to file any objection.

[3] The applicant has also produced the following documentary evidence in support of his application:

<u>Sr. No</u>	<u>Documents</u>	<u>Exh.</u>
1.	Death Certificate of the deceased	7
2.	Registered sale deed document	8
3.	Tax bill	9
4.	Property card	10
5.	Pedigree	11
6.	Permission for construction by RMC	12
7.	Commencement Certificate by RMC	13

8.	Approved plan	14
9.	Aadhar card of applicant	15
10.	Public notice in the newspaper	16
11.	Consent affidavit	17, 18
12.	Final affidavit	19
13.	Death certificate of deceased	20
14.	Closing purshish	21

[4] No one appeared to file any objection in response to the publication of notice in daily newspaper as discussed above. In the present case, the applicant has sought to obtain the Heirship Certificate of the immovable property of the deceased in view of the **Bombay Regulation VIII of 1827**, which provides for the heirship certificate to declare the property of the inheritor as the rightful heir of the deceased who died in intestacy.

[5] Pursuing the present application and affidavits and documents filed by the applicant it appears that other heirs of deceased have given their consent for issuing Heirship Certificate in favour of the applicant. Therefore, taking into consideration, all above affidavits and documents, it is clear that no objections or any dispute will be raised by any heirs when order is passed by this Court to issue heirship certificate to the applicant. Therefore

in view of above discussion, there is no reason to disbelieve the version of the applicant. Thus, applicant is rightful to get heirship certificate in respect of immovable property of the said deceased.

Additionally, in view of the law laid down by Hon'ble Apex Court and Hon'ble High Court, present applicant is entitled to get heirship certificate of the said immovable property. Hence, taking into consideration all the facts and circumstances, this Court passed following order.

-: **ORDER** :-

[1] The present application is hereby granted.

[2] The value of the above property is considered maximum. Therefore, this certificate is accordingly issued on the court-fees stamps of Rs. 75,000/-, it being the maximum court-fees payable on the value of the above property as per **Bombay Regulation VIII of 1827** and the applicant is declared as legal heir with respect to immovable property as per the schedule filed with this application of deceased Dintaben Prabhakarbai Pathak.

[3] The current market value of the property subject to the application as stated in Section 29 of the Gujarat Court Fees Act, 2004 order to pay the court fee as per Article 10 of the First Schedule on cost basis. Accordingly, the order for issue of heirship certificate is issued.

[4] The above order is given only in respect of the acknowledgement of heir and is not given to determine the title, right, interest or partion of any of the parties so that the above order will not be binding/affecting any proceedings for any existing law or for determination of right, title, interest or share.

Pronounced and signed today on this 24th day of April,
2026 in the open Court.

Place :- Rajkot
Date :- 24/04/2026

(M. D. JADAV)
8th Additional Civil Judge
& JMFC, Rajkot
UIC No. GJ01746