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Duration :

IN THE COURT OF 5TH ADDITIONAL CIVIL JUDGE,
RAJKOT.

CIVIL MISC. APPLICATION No. 534/2026

Shri Shilpaben Udaybhai Joshi,

49, Service,

Address :-

44-C, Street No. 5, Kalavad Road,

Harihar Society, Rajkot.

.....APPLICANT

Sub:- An application for obtaining Heirship Certificate in respect of the 1/3rd undivided share in the immovable property of deceased Uday Jayantilal Joshi.

Advocate:-

Mr. A. H. Joshi, learned advocate for the applicant.

:: J U D G M E N T ::

- 1] The applicant has filed this application for obtaining Heirship Certificate in respect of the respective share in the immovable property left by deceased Uday Jayantilal Joshi as mentioned in Schedule at Mark 1/1. The applicant has stated that deceased Uday Jayantilal Joshi was her husband, who expired on 05/02/2025 at Rajkot without making any will or testament in respect of his immovable property and thereby, she claims to be the heir of deceased Uday Jayantilal Joshi. The applicant has produced a death certificate of deceased Uday Jayantilal

Joshi at Exh. 12. The applicant has prayed to obtain Heirship Certificate in respect of the immovable property left by deceased as mentioned in Schedule at Mark 1/1.

- 2] The public notice inviting objection to the grant of Heirship Certificate published in daily newspaper 'Sanj Samachar' dtd. 30/03/2026 and the copy of said newspaper is produced on record vide Ex. 15. In response to the publication of the said notice, no one has appeared to file any objection.
- 3] In support of this application, the applicant has filed her final affidavit at Ex. 18, wherein she has reiterated the facts of the application and supported the facts of the application. Mainly she has stated that deceased Uday Jayantilal Joshi was her husband, who expired on 05/02/2025 at Rajkot. Further, she has stated that after publication of notice in daily newspaper 'Sanj Samachar' dt. 30/03/2026, no one has appeared to file any objection and therefore, she has prayed to issue Heirship Certificate in her favour in respect of the respective share in the immovable property left by deceased.
- 4] The other nearest relative and heir of the deceased Uday Jayantilal Joshi have filed their respective consent affidavits at Exh. 16 and Exh. 17, wherein they have consented to issue Heirship Certificate in favour of the current applicant. The pedigree of deceased Uday Jayantilal Joshi is produced at Exh. 14.
- 5] In this application, the applicant has produced true copies of Sanad of Plot with Share Certificate and Property

Register Card at Exh. 19, Exh. 20 and Exh. 13 and perusing the same deceased Uday Jayantilal Joshi is having 1/3rd undivided share in the immovable property as mentioned therein.

- 6] The applicant side has filed pursis at Exh. 21, wherein he is ready and willing to pay the maximum court fees. In view of the above, the applicant is liable to pay maximum Court fees, i.e. Rs. 75,000/-, so far value of the immovable property left by deceased is concerned.
- 7] The applicant has filed a closing purshish at Ex. 22 for completion of his evidence.
- 8] Looking to the record of the case and the evidence produced by the applicant, the applicant has complied with requirements to grant Heirship Certificate in respect of the respective share in the immovable property left by deceased Uday Jayantilal Joshi as mentioned in Schedule at Mark 1/1 and no one appeared to file any objection in response to the publication of notice in daily newspaper as discussed above. The nearest relatives & heirs of deceased have also filed affidavit and given their consent for issuing Heirship Certificate in favour of the applicant so far respective share in the immovable property left by deceased is concerned. Therefore in view of above discussion, there is no reason to disbelieve the version of the applicant and accordingly, the applicant's application requires to be allowed. Hence, in the interest of justice, following final order is passed.

:: ORDER ::

- 1] The applicant's application is hereby allowed.
- 2] The Heirship Certificate be issued in the name of the applicant Shilpaben Udaybhai Joshi in respect of the immovable property left by deceased Uday Jayantilal Joshi as mentioned in Schedule at Mark 1/1 on production of maximum Court Fees of Rs. 75,000/- on value of the immovable property.
- 3] The above order is given only in respect of the acknowledgment of heir and is not given to determine the right, title, interest or partition 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 or share.

Signed and pronounced in the open Court
today on this 29th day in the month of June - 2026.

Date:- 29/06/2026

RAJKOT

(Ajay Trilok Chand Tiwari)
5th Additional Civil Judge,
RAJKOT
UIC No. GJ 01616