



In The Court of 11th Addl. Sr. Civil Judge, Rajkot

C.M.A. No:-2028/2025

- 1) **AMI RAHUL BHOJ D/O. VINAYAK RATILAL VYAS,**
AGE:48, OCCU:SERVICE

ADDRESS:
FLAT NO.1401, FOURTEENTH FLOOR,
BUILDING NO.14-G, INDIABULLS GREEN,
MUMBAI-410206.

- 2) **RAKSHIT VINAYAK VYAS,**
ADULT, OCCU:SERVICE,

ADDRESS:
119 CHARIOT COURT, PISCATAWAY,
NJ 08854(NEW JERSY) AMERICA.

...Applicants.

Subject:- An application for obtaining heirship certificate in respect of immovable property of deceased Vinayak Ratilal Vyas - 20% undivided share

Ld. Advocate:- S.N.Toliya.

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

1. The applicants claims to be the heir of the deceased **Vinayak Ratilal Vyas** expired on **14/04/2024** without making any will or Testament in respect of the 20% undivided share of the property. The applicants have Prayed for heirship certificate with respect to the 50% undivided share in the immovable property of the said deceased as shown in the schedule produced with the application exhibit 1/1 Further the applicants have produced a death certificate of the deceased vide **exhibit 10**.
2. The public notice inviting objections to the grant of this application was issued in the daily local newspaper copy of which is produced at **exhibit 11** but no one turned up before the court to raise any kind of objection in this proceedings to the grant of this application.

3. The applicants has produced following documentary evidence in support of his application.

- a. Death certificate of deceased Vinayak at Exh.10
- b. Copy of C.M.A.No.1420/2016 at Exh.7
- c. Property card at Exh.8
- d. HMP 67/85 at Exh.9
- e. Affidavit of pedigree at Exh.12
- f. Public Notice at Exh.11
- g. Final affidavit of applicants at Exh.13 and 14
- h. Maximum court fees pursis at Exh.15
- i. Closing pursis at Exh.16

4. It is pertinent to cite relevant provision of Bombay Regulation VIII of 1827

Preamble :- WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed assume the management or sue for the recovery for property belonging to the estate, without the interference of Courts of Justice, it is yet in

some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zilla Court.

*And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zilla Court should appoint an administrator for the management of the estate ; the following rules are therefore enacted 2 **

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the

Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased.

7. First.—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity.

Second.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person ; and the certificate shall be annulled by the Zilla Court, upon proof that another person has a preferable right.

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that

capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

5. The applicants have filed closing pursis vide **exh-16** stating that the applicants does not want to give any further evidence. applicants have filed his final affidavit at **Exh.13 and 14** where the applicants have deposed on oath the fact narrated in the application and prayed to issue certificate in his favor. All the heirs of the deceased have filed their affidavits, Stating that they have no objection if a heirship certificate is granted in favor of the applicants. The applicants have filed a death certificate of the deceased by which it is clear that the deceased has died on **14/04/2024**. Further the applicants have stated that there are no other living heirs of the deceased except mentioned in the application and the applicants is willing to pay necessary Court fees.
6. In view of the above, the applicants have complied with all the requirements to grant a heirship certificate for the

property of the deceased as mentioned in the schedule attached with application at mark 1/1. hence , the following final order is passed.

- :O R D E R : -

1. This application is hereby allowed.
2. Heirship certificate in respect of 20% undivided share in the Immovable property of deceased **Vinayak Ratilal Vyas**, as described in the schedule produced with this application at mark 1/1 is issued in the name of applicants on production of maximum court fees stamps of Rs.75,000/-.

Signed and pronounced in the open court today on this **06th day in the month of August, 2026** at Rajkot.

Rajkot

Date:06/08/2026

(MALAY VIBHAKAR CHOKSHI)

11th Addl. Sr. Civil Judge,

Rajkot

UIC NO. GJ-00831