

MHYA150004572026



ORDER BELOW EXH.01 IN CIVIL M. A. NO.64/2026
(Passed on 22.07.2026)

This is an application for grant of heirship certificate under section 2 of the Bombay Regulation Act VIII of 1827.

2. The applicants have contended that, they are the heirs of the deceased Parvatabai Ramdas Barasagade who died on 02.10.2012 at Ner, Tal. Ner, Dist. Yavatmal and the deceased Domabai Tarachand Belekar who died on 08.09.2012 at Ner, Tal. Ner, Dist. Yavatmal. The applicants have contended that, applicant No.1 is daughter and applicant No.2 and 3 are sons of the deceased Parvatabai Ramdas Barasagade. Further, the applicants contended that, applicants are the grand-children of the deceased Domabai Tarachand Belekar. The husband of the deceased namely Ramdas Rajaram Barsagade was died on 24.05.1995. The deceased Parvatabai Ramdas Barsagade is the only daughter of the deceased Domabai Tarachand Belekar. The deceased Parvatabai Ramdas Barsagade is the only legal heirs of the deceased Domabai Tarachand Belekar. The applicants are in the need of heir ship certificate for government related work. The applicants are only legal heirs of the deceased Parvatabai Ramdas Barasagade and the deceased Domabai Tarachand Belekar. So, they prayed for allowing an application and issuing heirship certificate in their favour.

3. After filing of this application, public notice was issued in the Newspaper “Dainik Hindustan” at Exh.9 dated 20.06.2026 and objections were called, if any. Till today nobody has filed any objection to issue the heirship certificate of the deceased in the names of the applicants.

4. In support of this application, applicant No.1 on behalf of all the applicants adduced the evidence by way of affidavit vide Exh.8 before the Court. In her evidence affidavit, she has reiterated the same facts as per contentions of an application. According to her, the applicants are the heirs of the deceased Parvatabai Ramdas Barasagade and the deceased Domabai Tarachand Belekar. In support of this application, they filed following documents on record ;

Sr. No.	Particular of documents.	Exhibit No.
1.	Copy of death certificate of the deceased Parvatabai Ramdas Barasagade.	Exh.10.
2.	Copy of death certificate of the deceased Domabai Tarachand Belekar	Exh.11.
3.	Copy of death certificate of the deceased Ramdas Rajaram Barsagade.	Exh.12.
4.	Copy of affidavit.	Exh.13.
5.	Copy of tax receipt.	Exh.14.
6.	Verified copy of Election card of the deceased Domabai Tarachand Belekar.	Exh.15.
7.	Verified copy of Election card of the deceased Parvati Ramdas Barsagade.	Exh.16.
8.	Verified copy of Aadhar card of applicant No. 1.	Exh.17.

9.	Verified copy of Aadhar card of applicant No. 2.	Exh.18.
10.	Verified copy of Aadhar card of applicant No. 3.	Exh.19.

5. In this context it is just and proper to rely on the following Judgment of the Hon'ble High Court. In the case of **Group Grampanchayat, Sasavne Vs. Sunanda Shamrao Bandisti and others (2011(2) Mh.L.J.), 424**, the Hon'ble High Court observed that " In a proceeding for heir ship certificate, the Court is not required to determine title of the deceased to any property. It is required only to consider whether the persons claiming heir-ship certificate is the heirs of the deceased. If any person comes forward to claim neisr kinship that, the applicant, the rival claims for the applicant and person claiming neisr kinship and to be an heir would be considered by the Court. The Court may declined to grant heir-ship certificate to any applicant and come to the conclusion that, the applicant is not an heir of the deceased or that there is neisr kins who is entitled to the heir-ship certificate. The question title to the property allegedly held by the deceased is alien to such inquiry. Whether the deceased had any title to the property is not and indeed can not be decided by the Court in an application for a heir-ship certificate made under the regulation. "

6. In view of aforesaid observation of the Hon'ble High Court, even if the applicants are seeking legal heir-ship certificate of the deceased for legal recognition, hence the applicants are only recognized as the legal heirs of the deceased and they are not entitled for any benefit on the basis of the said legal heirship certificate without following due process of law.

7. The applicants filed evidence close pursis at Exh.20. The evidence adduced by the applicants remained unchallenged as nobody appeared and cross-examined to the applicants. The claim of the applicants for grant of heirship certificate has gone unchallenged. Therefore, I am inclined to issue heirship certificate by showing all of them as heirs of the deceased Parvatabai Ramdas Barasagade and the deceased Domabai Tarachand Belekar. Hence, I proceed to pass the following order :

ORDER

1. The application is allowed.
2. Issue heirship certificate in favour of the applicants as heirs of the deceased Parvatabai Ramdas Barasagade and the deceased Domabai Tarachand Belekar in the form contained in appendix B of Bombay Regulation VIII of 1827.
3. The applicants are hereby formally declared as the heirs of the deceased Parvatabai Ramdas Barasagade and the deceased Domabai Tarachand Belekar.
4. Issue heirship certificate accordingly in favour of the applicants on requisite stamp/fee.

(Order pronounced in the open Court.)

Ner,
Date : 22.07.2026.

(G. C. Fulzalke)
Civil Judge Junior Division,
Ner, Dist. Yavatmal.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word as per the original order.

Name of Stenographer	:-	B. N. Nare (Grade-III)
Court	:-	Civil Judge Jr. Dn., Ner.
Date	:-	22.07.2026
Order signed by		
the Presiding Officer on	:-	22.07.2026
Order uploaded on	:-	22.07.2026