

ORDER BELOW EXH. 1

Applicants have filed this application under Section 2 of Bombay Regulations Act, VIII of 1872 for recognizing them as legal heirs of deceased Ganesh Bindalal Chaudhari.

02) As per the applicants, Ganesh Bindalal Chaudhari was ordinarily resident of Washim and he died on 28/06/2011 at Washim. Applicant No.1 is the wife whereas applicant No.2 and 3 are the sons of deceased. Applicants are the only Class-I legal heirs of deceased, therefore they pray for grant of heirship certificate.

03) As per the order of the court, the proclamation was issued on 15/10/2022 for the publication in the daily newspaper "Dainik Punyanagari", calling upon the objections, if any, from the public at large within one month from publication for granting the heirship Certificate to the applicants. So as citation notice was also issued and its report is on record. However, till today from the date of publication of proclamation in the newspaper no one has raised any objection. The copy of the said newspaper is below Exh.16.

04) The applicant No.2 has examined himself by filing his evidence on affidavit at Exh.08, wherein he reiterated the contents of application that except applicants no one is heirs of deceased. During his evidence he has filed the certified copy of death certificate of deceased Ganesh Bindalal Chaudhari at Exh 14, Manna Bihari Chaudhari, the brother of grandfather of applicant no 2 at Exh 09, Premlal Laxman Chaudhari, the father of applicant no 2's grandfather at Exh 10.

Applicants have also filed death certificate of Radhabai Bihari Chaudhari, the sister of grandfather of applicant no 2 at Exh 11, Kesarbai Bindralal Chaudhari, the grandmother of the applicant no 2 at Exh 12 and Bindalal Bihari Chaudhari, his grandfather at Exh 13.

05) Perused the record. From the evidence available on the record, it appears that applicants are the wife and sons of deceased Ganesh Bindalal Chaudhari. The citation notice was issued calling upon objection if any, however no objection has been raised till date. The contentions of the applicants have gone unchallenged. Therefore, there is nothing on record to disbelieve the contents of application.

06) The applicants in their application have contended that they went for mutation of their names in revenue record of house in which they are living. That time they were asked for heirship certificate and therefore they want the heirship certificate. They have also mentioned the description of house property and revenue documents pertaining thereto. At this juncture it is necessary to mention that heirship certificate does not confer any right upon any person. It is merely formal recognition as a heirs of deceased person and applicants have only prayed for heirship certificate for recognition as heirs of deceased Ganesh Bindalal Chaudhari. Hence they can only be recognized as heirs of deceased Ganesh Bindalal Chaudhari and not in respect of any immovable property. Therefore, in view of above discussion, the application deserves to be allowed. Hence, I pass the following order-

ORDER

- 1) Application is allowed.
- 2) Issue certificate of heirship (in appendix B) in favour of applicants 1. Maya Ganesh Chaudhari, 2. Bajrang Ganesh Chaudhari, and 3. Rohan Ganesh Chaudhari as legal heirs of deceased Ganesh Bindalal Chaudhari.
- 3) The applicants shall pay the Court Fees as per rules. amount as per rules.
- 4) The note be appended to the heirship certificate as per para 312 of Civil Manual.

Washim
Date -23/12/2022

(M. S. Padwad)
3rd Joint Civil Judge Junior
Division, Washim

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/ Orders are same word for word as per original Judgment/ Order.

Name of the Stenographer : J. A. Zare (Jr. Cl.)
Court Name : 3rd Jt. C. J. J. D. & J.M.F.C.,
Washim.
Date : 23/12/2022
Judgment/Order signed by
Presiding Officer : 23/12/2022
Judgment/Order Uploaded on : 10/01/2023