



Chandrabhaga Runza Nikam & Anr.

Vs.

Nil

MHNS190017282022

ORDER BELOW EXH.1

The present application has been filed by the petitioners for issuing heirship certificate under Bombay Regulation VIII of 1827.

2. It is submitted that, applicant Nos. 1 and 2 are the legal heirs of deceased Mhalu Ravji Aaher and Vatsalabai Mhalu Aaher. The said Vatsalabai and Mhalu were having a son by name Karbhari among applicant daughters. The said Karbhari has been died unmarried on 17/10/2020. The petitioners are surviving legal heirs of deceased Karbhari Mhalu and Vatsalabai Mhalu. The petitioner Nos.1 and 2 are married and residing at their matrimonial house. Deceased Karbhari and Vatsalabai were having land Gat No.679 and Gat No. 259 at village Mukhed, Tal. Yeola. After their demise, petitioners had been to the concern revenue office for mutating their names in the record of rights of property supra. However, the concern office intimated to bring legal heirship certificate from the court. It is submitted that, petitioners are the only surviving heirs of deceased Karbhari Mhalu Aher and Vatsalabai Mhalu Aaher after their demise. Therefore, requested to issue legal heirship certificate in their name.

3. The Citation (Exh.06) and paper publication (Exh.11) calling objections have been issued. The paper is published in daily newspaper 'Punyanagari' on 15/12/2022. However, till today no one appeared and objected the application. Petitioner No.1 Chandrabhaga Runza Nikam has filed her examination-in-chief below Exh.09 and petitioner No.2 Hemabai Narayan Galande has filed her examination-in-chief below Exh.10. They have reiterated the contents of their application on oath in their examination-in-chief supra. Further, petitioners in support of their application have filed death certificate of

deceased Vatsalabai Mhalu Aaher is at Exh.12 and death certificate of deceased Karbhari Mhalu Aaher is at Exh.13.

4. Perusal of aforesaid death certificate it reveals that, Vatsalabai Mhalu Aaher is died on 25/10/2016 and Karbhari Mhalu Aaher is died on 17/10/2020. The contents of application and affidavit of petitioner Nos.1 and 2 have remained unchallenged for want of cross-examination. Despite of issuing paper publication and citation no objections came forward to the present application. Petitioners have requested to issue legal heirship certificate in their name. It is needless to mention here that, the certificate confers, no right to the property but only indicates the person who for the time being, is/are in a legal management thereof. Granting of certificate under this order does not finally determine nor injure the rights of any person. The purpose of issuing heirship certificate is formal recognition. Hence, I hold that, the petitioners are the only surviving legal heirs of deceased Vatsalabai Mhalu Aaher and Karbhari Mhalu Aaher after their demise. Thus, I pass the following order-

ORDER

1. The application is allowed.
2. Petitioner No.1 Chandrabhaga Runza Nikam and petitioner No.2. Bhimabai Narayan Galande are recognized as legal heirs of deceased **Vatsalabai Mhalu Aaher and Karbhari Mhalu Aaher.**
3. Issue legal heirship certificate in favour of petitioners declaring them as a recognized heirs of deceased Vatsalabai Mhalu Aaher and Karbhari Mhalu Aaher on accepting requisite Court fees stamp as per the Maharashtra Court Fees Act.

Date :- 05/06/2023.

Place :- Yeola, (Nashik)

(A. S. Kambale)

Jt. Civil Judge, Jr. Div, Yeola,
Dist. Nashik.