

MHDH020025452022



Civ. M. A. No. 1142/2022
Kevalbai Zalte v. Samadhan Zalte- (Deceased)

ORDER BELOW EXH.1

This application is filed under the provisions of Section 2 of the Bombay Regulations Act, VIII of 1827, praying for issuance of Heirship Certificate in their favour by formally recognizing them as heirs of **deceased Samadhan Subhash Zalte**. Applicant No.1 is the mother, applicant no. 2 is the wife and applicant no. 3 is the son of deceased Samadhan Subhash Zalte. Applicants require the Heirship Certificate for their formal recognition as legal heirs of **deceased Samadhan Subhash Zalte** for government, semi government or private work.

2. After receipt of this application, this Court issued proclamation through citation notice and public notice in newspaper circulated locally, inviting all the person who dispute the rights of applicants, to appear in this Court within one month from the date of proclamation to enter their objections. Proclamation was issued vide report at **Exh. 07**, dated 17/10/2022. Public Notice is published in daily newspaper "**Laksha Maharashtra**" dated **15/10/2022 (Ex.11)**. However, nobody appeared before the Court and objected claim of applicants. Till today no objection is offered by anyone to the prayer of applicant. Hence this court proceeded to receive proof of the rights of the applicants.

3. Applicants have contented they are the only legal heirs of deceased. Except them there are no other legal heirs of deceased. Applicant No. 1 **Kevalbai Subhash Zalte** has filed affidavit of her examination-in-chief below **Ex. 10**. Applicants have filed Death Certificate of deceased **deceased**

Samadhan Subhash Zalte at **Exh 13**, death certificate of deceased Subhash Namdev Zalte, who is father of deceased Samadhan at **Exh. 14**, death certificate of deceased **Devkabai Namdev Zalte** who was grandmother of deceased Samadhan at **Exh. 15**, Birth certificate of applicant no. 3 Virat Samadhan Zalte, Verified copies of Aadhar cards of Applicant No.1 and 2, . Applicants have closed evidence vide purshis at **Exh. 16**.

4. Perused Record and Proceedings. I have gone through Section 2 of the Bombay Regulation Act, 1827. This provision of Law provides for formal recognition of heir of deceased, by the Court. The **Death Certificate** at **Exh.13** shows that **deceased Samadhan Subhash Zalte** died on **31/03/2022**. In spite of issuing paper notice about this application, no one has appeared before the Court and raised objection to the contentions and claim of Applicants. There is no reason to disbelieve the contention of applicants. The pleadings and evidence on record has gone unchallenged. Applicants are praying for issuance of Heirship Certificate for government, semi-government or for private work.

5. Considering the Application, evidence of Applicant, documents filed on record and the fact that no one has objected rights of Applicants, this court is satisfied that there is no hurdle in granting CERTIFICATE OF HEIRSHIP in the name of Applicants, I therefore pass following Order;

ORDER

1. Application is allowed.
2. Applicant No. 1 to 3 are formally recognized as heirs of **deceased Samadhan Subhash Zalte**.
3. Issue Certificate of Heirship in form **Appendix B**, as prescribed form under Section 2 of the Bombay Regulation Act, 1827, in the name of applicant nos.1 to 3 for government, semi-government or for private work.

4. Applicants to pay requisite Court Fees as per Rules.

5. This is a merely a formal Declaration of Heirship and is not a Succession Certificate. No valuable Debts and Securities would be transferred in the name of holder on the basis of this Certificate.

6. Case and Proceedings stands disposed off.

Date: 18/11/2022

(Renuka R. Rahatekar)
7th Jt. Civil Judge, Junior Division,
Dhule.

- Certificate -

I certify that the contents of this PDF File are word to word as per
Original Judgment / Order.

Name of the Steno : P. P. Sonawane

Name of the Court : Civil Court Junior Division, Shindkheda.

PDF Uploading Date: 23/11/2022

Sd/-
Stenographer (L.G.)