

Order below Exh. No. 1

Civil M.A. No. 350/2022
Sarubai Patil + 4 Vs. Nil



Received on : 11.10.2022

Registered on : 11.10.2022

Decided on : 12.06.2023

CNR-MHDH-05002342-2022

Duration : 00Y. 08 M. 01 D.

THE COURT OF JT. CIVIL JUDGE, JR. DIVISION, SAKRI

(Presided over by R.B. Dole)

Civil. M.A. No. 350/2022

Exh. No. 01

1. Sarubai Gajmal Patil,
 2. Sunanda Dadaji Patil,
 3. Prashant Dadaji Patil,
 4. Lalit Dadaji Patil,
 5. Yogita Dadaji Patil,
- ... Applicants

V e r s u s

Nil,

... Non Applicant

Advocates appeared:

Shri. Akshay A. Sagar, advocate for the applicant,

ORDER BELOW EXH. NO. 1

(Delivered on 12th June, 2023)

This is an application under Bombay Regulation Act, 1827, for grant of heirship certificate in the name of applicant.

2. According to the applicant, deceased Dadaji Gajmal Patil, was died on 04.04.2021 at mouje Sakri, Tal. Sakri, Dist. Dhule. The applicant No. 1 is mother, applicant No. 2 is wife and applicant No. 3 to 5 are sons and daughter of deceased. They are only legal heirs of deceased. After

demise of Dadaji Gajmal Patil, applicants are need of heirship certificate for legal recognition purpose. Therefore, the applicants have prayed for grant of heirship certificate.

3. The Court had issued proclamation and citation notice. The report of the same is on record.

4. Perused the application and the documents filed on record. Heard learned Adv. Shri. Akshay A. Sagar.

5. It is contended by the applicants that they are the only legal heir of the deceased. After filing of the application public notice was published in daily newspapers namely “Dainik Warta” dated 08.11.2022 and “Khandesh Maidan” dated 09.11.2022. It is at Exh. 16 and 17 respectively. After publication of notice no one appeared to oppose the application. No objections were received against the application till today.

6. In support of the contentions the applicant have examined applicant No. 3 and witnesses namely Atul Subhash Patil and Atul Rajendra Salunke, vide Exh. 8 to 10 respectively. The applicants have produced verified copies of death certificates of deceased Dadaji Gajmal Patil vide Exh. No. 11 and verified copies of Aadhar cards of applicant No. 2 to 5 vide Exh. 12 and 15 respectively.

7. Till today no objection is received to resist the application. Therefore, considering the documents available on the record and unchallenged oral testimony of applicant No. 3 and witnesses namely Atul Subhash Patil and Atul Rajendra Salunke, there is no impediment to issue Heirship certificate in the name of the applicants. Hence, I pass the following order :

ORDER

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1. The application is allowed.
2. Issue Heirship Certificate as per rules in the name of the applicant No. 1 to 5, after depositing requisite stamp duty, if any as per rules.
3. Heirship certificate is issued **only for legal recognition**. It shall not be used for alienation of any immovable property.
4. The applicant No. 1 to 5 are directed to file affidavit cum undertaking that in case any objection raised in respect of heirship certificate, they shall surrender the said certificate to the Court.
5. The application stand disposed of.

Sakri

Date :12.06.2023.

(R.B. Dole)

Jt. Civil Judge, Junior Division, Sakri.

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:- CERTIFICATE :-

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

Name of the Steno :- Mayur Yogendra Jadhav.

Name of the Court :- Jt. C.J.J.D. & J.M.F.C., Sakri.

PDF Uploading Date :- 13.06.2023.

Sd/- xxx
Stenographer.