



Civil M.A. 87/2026
Maheshkumar & Ors.
Vs. Nil
MHAK060011022026

ORDER
(Below Exh.01)
(Passed on 16th July, 2026)

This is an application u/s. 2 of the Bombay Regulation VIII of 1827 to recognize applicants as legal heirs of deceased **Rameshwar s/o Shantaram Waghmare**.

2. It is submitted by Ld. Advocate on behalf of applicants that brother of applicants namely Rameshwar s/o Shantaram Waghmare was unmarried and passed away on 26.06.2024 at Ruikhed, Tq. Akot, Dist. Akola. It is further submitted that father of applicants and deceased Rameshwar namely Shantaram s/o Amrut Waghmare and mother namely Panchafula w/o Shantaram Waghmare passed away respectively on 21.04.2022 and 01.03.2020 at Ruikhed, Tq. Akot, Dist. Akola. In these facts and circumstances, deceased Rameshwar s/o Shantaram Waghmare has no other legal heirs except the applicants.

3. It is further submitted that applicants are in need of formal certificate recognizing them as legal heirs of the deceased Rameshwar s/o Shantaram Waghmare for governmental and semi-governmental and other similar

purposes. Hence, it is prayed that the applicants be accordingly recognized as legal heirs and certificate in that regard may kindly be issued.

4. Considering the nature of the application Notice (Exh.6) dated 14.05.2026 through citation was published on conspicuous part of the Court house and house of the deceased and also on Notice Board of the concerned Gram Panchayat and Tehsil Office. So also, proclamation was published in daily news paper of jurisdiction of this Court namely 'Hindusthan' dated 20.05.2026 to invite objections from the public at large.

5. Heard learned Advocate for the applicants at length. Perused the record and considered the submissions.

6. In order to determine the application, following points arise to which I have recorded my findings thereon for the reasons given here-in-below ;

Sr. No.	Points	Findings
(1)	Do the applicants prove that they are legal heirs of deceased Rameshwar s/o Shantaram Waghmare ?	...Yes...
(2)	Whether the applicants are entitled for heirship certificate as prayed ?	...Yes...
(3)	What order ?	Application is allowed

7. In order to mainstay their claim, the applicants examined Maheshkumar s/o Shantaram Waghmare (Applicant No.1) as AW-1 and one Pramod s/o Motiram Gawande (Friend of the applicants) as AW-2 by filing affidavits in lieu of their examinations-in-chief below **Exh. 9 & 10** and closed their evidence vide *Pursis* below Exh.11. In addition to the oral evidence, the applicants have relied upon following documentary evidence;

- (1) Original Death Certificate of Shantaram s/o Amrut Waghmare. (Exh.12)
- (2) Original Death Certificate of Panchafula w/o Shantaram Waghmare. (Exh.13)
- (3) Verified copies of Aadhar Cards of the applicants. (Exh.14 to 16)
- (4) Original Death Certificate of Rameshwar s/o Shantaram Waghmare. (Exh.17)
- (4) Issue of daily News Paper 'Hindusthan' dated 20.05.2026. (Exh.19)

8. As mentioned above, there is no rival side nor despite of proclamation at Exh.19, rival evidence as nobody preferred objection by the public at large on record till the date.

REASONS

As to point No. 1 to 3 :-

9. Perusal of evidence affidavit of Maheshkumar (AW-1) reveals that it is nothing but replica of substantive application. Maheshkumar (AW-1) deposed on oath that his

brother and brother of applicants No. 1 and 2 namely Rameshwar s/o Shantaram Waghmare was unmarried and passed away on 26.06.2024 at Ruikhed, Tq. Akot, Dist. Akola. It is further deposed on oath that his father and father of applicants No. 1 and 2 namely Shantaram s/o Amrut Waghmare and their mother namely Panchafula w/o Shantaram Waghmare passed away respectively on 21.04.2022 and 01.03.2020 at Ruikhed, Tq. Akot, Dist. Akola. Therefore, deceased Rameshwar s/o Shantaram Waghmare has no other legal heirs except the applicants.

10. Perusal of the evidence of Pramod (AW-2) demonstrates that it is in tune with the evidence of Maheshkumar (AW-1). There being no other side and also no objection from the public at large, the testimonies of Maheshkumar (AW-1) and Pramod (AW-2) have remained intact and unchallenged.

11. The Death Certificate (Exh.12, 13 and 17) corroborates the testimonies of the witnesses with regard to death of Shantaram, Panchafula and Rameshwar. It is significant to note that despite of Citation Notice (Exh.6) and Proclamation (Exh.18), nobody from the public at large have taken objection to disbelieve the facts stated and deposed by the witnesses on oath. In such circumstances, there being no contrary evidence, there is no reason to

disbelieve that deceased Rameshwar s/o Shantaram Waghmare has no legal heirs except the applicants.

12. Besides, the applicant No. 1 to 3 being brothers and sister appears to be the legal heirs of deceased Rameshwar s/o Shantaram Waghmare. Considering overall material and evidence on record, the application needs to be allowed. Hence, I answer Point No. 1 and 2 in the affirmative and in answer to Point No. 3, pass the following order ;

ORDER

- 1) The application is allowed.
- 2) Issue Heirship Certificate in prescribed format on payment of Court fee, if any, recognizing applicants No. 1 to 3 as legal heirs of deceased **Rameshwar s/o Shantaram Waghmare** who passed away on 26.06.2024 at Ruikhed, Tq. Akot, Dist. Akola.
- 3) The Certificate be appended with note contained in Para. 312 of The Civil Manual and the applicants shall act accordingly.

(Dictated and Pronounced in open Court)

Sd/-

(A. A. Mali)

Date : 16.07.2026

Place : Akot.

2nd Jt Civil Judge (Jr.Dn),
Akot, Dist. Akola.