

ORDER BELOW EXH.1 IN CIVIL M.A. NO.126/2026

(CNR NO. MHAK090008692026)

This order shall dispose of an application filed for grant of heirship certificate under the Bombay Regulation Act, VIII of 1827.

Brief facts of the application are as under:

2. Applicants submit that, brother of applicants no.1 and 2 namely Umesh Bramhdev Dhanokar died on 26/11/2021 at village Sirso Tq. Murtizapur Dist. Akola. The father and mother of deceased Umesh Bramhdev Dhanokar have also died long before. Umesh was unmarried and issueless at the time of his death. Mother of deceased Umesh namely Kusum Bramhdev Dhanokar died on 12/08/2003 at village Sirso, Tq. Murtizapur Dist. Akola. Applicant and deceased were permanent residents of village Sirso Tq. Murtizapur Dist. Akola. There are no other legal heirs to the deceased Umesh Bramhdev Dhanokar except the applicants. Applicants are in need of heirship certificate for future purpose and other similar purpose. Hence, applicants have filed present application for grant of heirship certificate under Bombay Regulation Act, VIII of 1827.

3. In the present application, citation was issued and its report is at Exh.17 and paper publication was issued which is at Exh.15. The paper notice was published in "Dainik Sayran" newspaper dated 12/05/2026 calling upon the objections from the public at large. However, despite issuance of citation and paper publication no one has turned up to contest the instant application.

4. I have heard the learned advocate for the applicants at length.

5. To establish their claim, the applicants have filed original death certificate of deceased Umesh Bramhdev Dhanokar at Exh.09, original death certificate of deceased Kusum Bramhdev Dhanokar at

Exh.10, verified copy of death certificate of deceased Bramhdev Rambhan Dhanokar at Exh.11, verified copy of Aadhar cards of applicants at Exh.12 and 13 and report given by police patil about the family members at Exh.14.

6. Applicant No.2 namely Bharti Sanjay Sawarkar has filed an evidence affidavit at Exh.08 in which she has reiterated the contents of application and the fact that, applicants are the only legal heirs of deceased Umesh Bramhdev Dhanokar and deceased Umesh was unmarried and issueless. The evidence has remained unchallenged. Applicants have also produced death certificate of deceased Umesh Bramhdev Dhanokar and they have also filed copies of their Aadhar cards. The documents are in support of the contentions of the applicants.

7. According to the applicants, applicant No.1 is the brother and applicant no.2 is sister of deceased Umesh Bramhdev Dhanokar. In such circumstances, Section 8 of the Hindu Succession Act, 1956, (hereinafter referred to as 'the Act') assumes important. It is provided in Section 8 of the Act that, the property of a male Hindu dying intestate shall devolve, according to the provisions of this chapter, firstly, upon the heirs, being the relatives specified in Class-I of the schedule; secondly, if there is no heir of Class-I, then upon the heirs, being the relatives in Class-II of the schedule.

8. Section 9 of the Act provides the order of succession among heirs in the schedule. It is provided in Section 9 of the Act that, among the heirs specified in the schedule, those in Class-I shall take simultaneously and to the exclusion of all other heirs; those in the first entry in Class-II shall be preferred to those in the second entry; those in the second entry shall be preferred to those in the third entry; and so on in succession.

9. In the schedule of the Act, a brother and sister are included as heirs in Class-II. Looking to the present facts of the application and above legal provisions, applicant No.1 being a brother and applicant no.2 being a sister of deceased Umesh Bramhdev Dhanokar, can be recognized formally as heirs of the deceased Umesh Bramhdev Dhanokar.

10. The object of Bombay Regulation 1827 is to provide for formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts.

Hon'ble Bombay High Court in the case of Re: Ganpati Vinayak Achwal (MANU/MH/1485/2014) has held that,

“The position of law that emerges from the above provisions is that, an heirship certificate does not bestow the status of an heir upon a person. Grant of such certificate is only a formal recognition of his existing status as an heir. An heir or executor or legal administrator, by his such status, can assume management of the property of the deceased even without a formal recognition by the court. A person may obtain heirship certificate in any of the three situations i.e.

- i. If he so desires*
- ii Where his right as an heir is disputed, and*
- iii In order to give confidence to the persons in possession of or indebted to the estate and to deal with them.*

Thus, grant of heirship certificate is solely, for the convenience of the heir. Beyond that, it is of no significance. The rules also indicates that, it is mandatory for the court to issue an heirship certificate, if after publication of citation, no objector comes forward within one month from the date of publication. In that case, the court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant the certificate in the prescribed form declaring him the recognized heir of the deceased. The scope of such enquiry is limited to ascertain the claim of heirship of the applicant. The petitioner's claim and the impugned order are required to be appreciated against the above legal position.”

11. Considering the material on record and aforesaid legal position, the present application needs to be allowed for the purpose of formal recognition in order to grant the heirship certificate in favour of applicants by formally recognizing applicants as heirs of the deceased Umesh Bramhdev Dhanokar. Hence, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. Applicants are hereby formally recognized as heirs of the deceased Umesh Bramhdev Dhanokar who died on 26/11/2021.
3. Issue heirship certificate in the name of applicants on payment of necessary Court fees.

Date: 27/07/2026

(Dr. N. S. Sabnis)
Civil Judge Junior Division
Murtizapur

CERTIFICATE

I affirm that the contents of this P.D.F. File Order/Judgment are same, word to word, as per the original Judgment/Order.

Name of the Steno	Ku. H.D.Mali
Name of the Court	CJJD & JMFC, Murtizapur
Date of Order & Judgment	27.07.2026
Order/Judgment Signed by the P.O. on	27.07.2026
Order/Judgment uploaded on	27.07.2026