



ORDER BELOW EXH.1 IN CIVIL M.A. NO. 140/2026
(CNR NO. MHAK090009862026)

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, applicant No.1 and 2 are sons and applicant No.3 and 4 are married daughters of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai. Deceased Bhimrao Jayram Gawai died on 28/07/2022 at village Ghungashi-Mungashi Tq. Murtizapur Dist. Akola and deceased Kesharbai Bhimrao Gawai died on 22/04/2020 at village Ghungashi-Mungashi Tq. Murtizapur Dist. Akola. Deceased Bhimrao and Kesharbai's parents were died long before. Applicant Nos.1 to 4 are the legal heirs of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai and there are no other legal heirs to them except the applicant Nos.1 to 4. Applicants are in need of heirship certificate for Government and Semi Government purposes. Hence, applicant Nos.1 to 4 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.18 and paper publication was issued which is at Exh.17. The paper notice was published in "Akola Darshan" newspaper dated 16/06/2026 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 applicant No.1 to 4 have filed death certificate of deceased Bhimrao Jayram Gawai at Exh.11, death certificate of deceased Kesharbai Bhimrao Gawai at Exh.10, verified copy of Aadhar cards of applicant no.1 to 4 at Exh.12 to Exh.15 and affidavit of applicant No.1 before Tahsildar at Exh.16

6. Applicant No.1 namely Sunil Bhimrao Gawai has filed an evidence affidavit at Exh.8. Applicant No. 1 has reiterated the contents of application and the fact that, applicant Nos. 1 to 4 are the only legal heirs of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai. The evidence has remained unchallenged. Applicants have also produced copy of death certificate of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai 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 applicant Nos.1 and 2 are sons and applicant no.3 and 4 are the daughters of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai. In such circumstances, Section 8 and section 15 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 successions 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. Section 15 provides for the succession of the property in respect with the Hindu female dying intestate. If a female Hindu dies intestate, the order of succession is specified. In section 15 (1), entry (a) sons, daughters, sons and daughters of a predeceased son or daughter i.e. grand children and the husband are included. In entry (b) heirs of the husband are included. In entry (c), mother and father, in entry (d) heirs of father and in entry (e) upon the heirs of mother.

9. In the schedule of the Act, the sons and daughters are included as heirs in Class-I and in entry (a). Looking to the present facts of the application and above legal provisions, applicant No.1 and 2 being sons and applicant no.3 and 4 being daughters of deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai, can be recognized formally as heirs of the deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai and among the heirs specified in the schedule, those in Class-I shall take simultaneously and to the exclusion of all other heirs.

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 them as heirs of the deceased Bhimrao Jayram Gawai and deceased Kesharbai Bhimrao Gawai. Hence, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. The applicant Nos.1 to 4 are hereby formally recognized as heirs of the deceased Bhimrao Jayram Gawai who died on 28/07/2022 and deceased Kesharbai Bhimrao Gawai who died on 22/04/2020.
3. Issue heirship certificate in the name of the applicant Nos.1 to 4 on payment of necessary Court fees.

Date:14/08/2026

(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	14.08.2026
Order/Judgment Signed by the P.O. on	14.08.2026
Order/Judgment uploaded on	14.08.2026