

ORDER BELOW EXH.1 IN CIVIL M.A. NO. 142/2026
(CNR NO. MHAK090009902026)

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 of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde. Deceased Damodar Gulabrao Konde died on 05/06/2007 at Murtizapur Dist. Akola and deceased Sudhabai Damodhar Konde died on 13/01/2015 at Murtizapur Dist. Akola. Applicant nos.1 and 2 are the legal heirs of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde. Applicant nos.1 and 2 are in need of heirship certificate for Government purposes, Semi Government purposes and personal purposes. Hence, applicant nos.1 and 2 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.16 and paper publication was issued which is at Exh.14. The paper notice was published in "Ajinkya Bharat" newspaper dated 31/05/2026 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 applicant no.1 and 2 have filed verified copy of death certificate of deceased Damodar Gulabrao Konde at Exh.09, verified copy of death certificate of deceased Sudhabai Damodhar Konde at Exh.10, verified copy of Aadhar cards of applicant no.1 and 2 at Exh.12 & 13 respectively and report of police patil about heirs at Exh.11

6. Applicant no.2 namely Dattatray Damodhar Konde has filed an evidence affidavit at Exh.8. Applicant no.2 has reiterated the contents of application and the fact that, applicant nos.1 and 2 are the only legal heirs of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde. The evidence has remained unchallenged. Applicants have also produced copy of death certificate of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde 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, they are the sons of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde. 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 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. 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 are included as heir in Class-I and in entry (a). Looking to the present facts of the application and above legal provisions, applicants being the sons of deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde, can be recognized formally as heirs of the deceased Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde 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 Damodar Gulabrao Konde and deceased Sudhabai Damodhar Konde. Hence, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. The applicant nos.1 and 2 are hereby formally recognized as heirs of the deceased Damodar Gulabrao Konde who died on 05/06/2007 and deceased Sudhabai Damodhar Konde who died on 13/01/2015.
3. Issue heirship certificate in the name of the applicant nos.1 and 2 on payment of necessary Court fees.

Date: 19/08/2026

(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	19.08.2026
Order/Judgment Signed by the P.O. on	19.08.2026
Order/Judgment uploaded on	19.08.2026