



ORDER BELOW EXH.1 IN CIVIL M.A. NO. 150/2026
(CNR NO. MHAK090010142026)

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 is mother, applicant No.2 is widow, applicant No.3 and 4 are the daughters applicants No.5 is son the deceased namely Mohd. Parvej Haji A. Rauf died on 03/06/2018 at Mana Tq. Murtizapur Dist. Akola. The father of the deceased were also died long back years. There are no other legal heirs to the deceased Mohd. Parvej Haji A. Rauf except the applicants. The applicant no. 1 to 5 requires present legal heirship certificate for the purpose of formal recognition as well as Government official purposes and private use and other necessary requirements. 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.19 and paper publication was issued which is at Exh.17. The paper notice was published in “Dainik Sayaran” newspaper dated 21/05/2026 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 verified copy of death certificate of deceased Mohd.Parvej Haji A. Rauf at Exh.09, verified copy of Aadhar cards of applicants at Exh.11 to 15 and report given by police patil of Mana about family members at Exh.10.

6. Applicant No.2 namely Shagufta Parvin Mohammad Parvez 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 Mohd.Parvej Haji A. Rauf. The evidence has remained unchallenged. Applicants have also produced verified copy of death certificate of deceased Mohd.Parvej Haji A. Rauf 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 mother, applicant No.2 is wife, applicant No.3 & 4 are daughters and applicant No.5 is son of deceased Mohd.Parvej Haji A. Rauf.

8. Looking to the present facts of the application and above legal provisions, applicant No.1 being the mother, applicant No.2 being the widow, applicant No.3 & 4 being daughters and applicant No.5 being a son of deceased Mohd.Parvej Haji A. Rauf, can be recognized formally as heirs of the deceased Mohd.Parvej Haji A. Rauf.

9. 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.”

10. 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 applicant Nos.1 to 5 by formally recognizing applicant Nos.1 to 5 as heirs of the deceased Mohd.Parvej Haji A. Rauf. Hence, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. Applicants No.1 to 5 are hereby formally recognized as heirs of the deceased Mohd.Parvej Haji A. Rauf who died on 03/06/2018.
3. Issue heirship certificate in the name of the applicants No.1 to 5 on payment of necessary Court fees.

Date: 13/08/2026

(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	13.08.2026
Order/Judgment Signed by the P.O. on	13.08.2026
Order/Judgment uploaded on	13.08.2026