

MHBI190024152025



M.C.A. No.196/2025
Sopan Eknath Gade + 4

...Vs...

Nil

ORDER PASSED BELOW EXH.1

(Dated 30/04/2026)

This is an application under the provisions of the Bombay Regulation VIII of 1827 for grant of heir-ship certificate.

02. Shortly stated the case of the applicants that, the applicant No.1 is son, applicant No.2 is daughter-in-law, applicant No.3 is grand-son and applicant No.4 and 5 are daughters of deceased Eknath Bhimaji Gade. The Eknath Bhimaji Gade has died on 04/09/2003 at village Sabalkhed, Tah. Ashti, Dist. Beed. Applicants are the only legal heirs of Eknath Bhimaji Gade. Applicants want heir-ship certificate for getting difference of freedom fighter pension. Hence, they have filed instant application for grant of legal heir-ship certificate under the provisions of Bombay Regulation VIII of 1827. The instant application is also supported by an affidavit.

03. In the present application, the citation was issued at Exh.8 and the paper notice was also published in "*Dainik SURAJYA*" of dated 01/04/2026 calling upon the objections from the public at large. The said paper notice is at Exh.11. However, nobody has turned up to contest the instant application.

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

05. In order to establish their claim, the applicant No.1 Sopan

Eknath Gade has filed his evidence affidavit at Exh.12. Also produced the following documentary evidence on record in support of their claim. Applicants relied on documents produced vide Exh.4 list, death certificate of deceased Eknath Bhimaji Gade at Exh.6 and verified copies of Identity Cards of applicants No. 1 to 5 at Exh.7 to 11.

06. There is a stereotyped evidence of the applicant No.1 at Exh.12 wherein he has stated that, his father deceased Eknath Bhimaji Gade died on 04/09/2003. He and other applicants are only legal heirs of deceased Eknath Bhimaji Gade. He has deposed that, they wants heir-ship certificate for getting difference of freedom fighter pension. Hence, they have filed instant application for grant of legal heir-ship certificate under the provisions of Bombay Regulation VIII of 1827.

07. Thus, it is seen that the applicants have filed instant application for recognition of heirs of deceased. Applicants contended that, they wants heir-ship certificate for getting difference of freedom fighter pension. From the documents at Exh.4 list, it is seen that the applicant No.1 to 5 are legal heirs of deceased Eknath Bhimaji Gade.

08. To fortify my view in regard to heir ship certificate I relied on the case of **Salimabe Shaikh Shabbir Vs. The State of Maharashtra, 945 Writ Petition No.924 of 2020, dated 24th January 2020**. In this case, Hon'ble Bombay High Court bench at Aurangabad has observed that, heir-ship certificate is to be issue when person if so desires, where his right as an heir is disputed and lastly in order to give confidence to the persons in possession of or indebted to the estate and to deal with them.

09. The aforesaid oral and documentary evidence produced by the applicants is remained unchallenged, as the instant application is not

challenged by anybody. In such circumstances, considering the oral and documentary evidence produced on record, it has to be held that the applicants are the only legal heirs of Eknath Bhimaji Gade. Thus, the applicants require to be formally recognized as heirs of deceased. In view of ratio laid down in **Salimabe Shaikh Shabbir Vs. The State of Maharashtra, 945 Writ Petition No.924 of 2020, dated 24th January 2020** heir-ship certificate required to be issued. In view of matter, the present application is deserves to be allowed. Hence, I proceed to pass the following order.

<u>ORDER</u>	
1.	Application is allowed.
2.	Issue legal heir-ship certificate in the name applicant Nos.1 to 5 as per Appendix-B of Bombay Regulation Act 1827 on payment of requisite Court Fees.

Ashti.

Date.:- 30/04/2026.

(K. K. Khomane)
Joint Civil Judge, (Jr. Dn.),
Ashti, Dist.Beed.

CERTIFICATE

"I affirm that the contents of this PDF file are word to word as per original Judgment / order"

Dictated on : 30/04/2026

Transcribed on : 30/04/2026

Checked & signed on : 30/04/2026

Sd/-

Jalindar B. Pokale,
Stenographer (Grade-II)