

MHBU080016972025



Civil M.A. No.313/2025
Sulochana +2 -Vs.- Nil

ORDER BELOW EXH.1

(Passed on-11/03/2026)

This application has been filed seeking issuance of heir-ship certificate under the Bombay Regulations, 1827.

02. The case of the applicants is that, the applicant No.1 is widow, applicant No.2 is son and applicant No.3 is daughter of the deceased namely Ramkrushna Baburao Khawale. The deceased Ramkrushna Baburao Khawale is died on 20/03/2019 at Hingna Bhota, Ta.Nandura, Dist.Buldhana. Nobody is heirs to the deceased except applicants.

03. It is further contended that the applicants are in need of the certificate for official and general purpose. Hence, the applicants have filed the present application praying for grant of heir-ship certificate in their favour.

04. Public notice has been duly published in daily newspaper "Mahasagar" (**Art.-A**) dated 02/01/2026 inviting objections, if any, from interested people to grant heir-ship certificate in the names of the applicants. Proclamation has been duly published in the locality where the deceased was residing before his death. Nobody appeared to raise objection to this application.

05. The applicant No.2 has filed his affidavit in lieu of examination -in-chief vide **Exh.11**. He reiterated the contents of the application by deposing that his father namely Ramkrushna Baburao Khawale is died on 20/03/2019. Therefore, the applicants are the only surviving legal heirs of deceased.

06. Perused the record. The applicants have filed copy of death certificate of deceased Ramkrushna Baburao Khawale at **Exh.12**. The applicants also filed photocopies of their Identity Cards. The fact,

Ramkrushna Baburao Khawale is died on the date mentioned in the application which is substantiated from the death certificate. The evidence has remained unchallenged. Therefore, applicants are entitled for heir-ship certificate.

07. The object of the Bombay Regulations, 1827 is to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the court. The Hon'ble Bombay High Court in the case of In Re: **Ganpati Vinayak Achwal** (MANU/MH/1485/2014) held as follows :

“The position of law that emerges from the above provisions is that, an heir ship certificate does not bestow the status of an heir upon a person. Grant of such a 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 heir ship certificate is 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 heir ship certificate is solely, for the convenience of the heir. Beyond that, it is of no significance. The rules also indicate 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 a 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.”

08. The material on record is sufficient to grant heir-ship certificate in favour of the applicants by formally recognizing them as heirs of

deceased Ramkrushna Baburao Khawale. Hence, I proceed to pass the following order:

ORDER

1. The application is allowed.
2. Heirship Certificate be issued formally recognizing name of applicants, as legal heirs of deceased **Ramkrushna Baburao Khawale** in prescribed form as per rules.
3. The applicants shall pay the requisite court fees as per rules.
4. The note be appended to the heir ship certificate as per para 312 of the Civil Manual.
5. This certificate is not useful for transfer of any movable and immovable property of deceased and does not establish the right of the applicants in properties of the deceased by itself.

Date- 11/03/2026

Place- Nandura

(Kiran V. Lunge)
Civil Judge Junior Division,
Nandura, Dist. Buldana.