

MHBU100024332025 	Civil M.A. 187/2025 Govinda Sambare -Vs. Nil.
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ORDER BELOW EXH.01

(Passed on 03.08.2026)

This is an application filed under Rule 2 of Bombay Regulation VIII of 1827 for declaring applicant as recognized heirs of the deceased namely **Bapu Vaman Sambare** (hereinafter referred as “the deceased” for short).

02. It is contended by applicant that the deceased **Bapu Vaman Sambare** died on 26.01.2023 at Pune, Tq. Pune, Dist. Pune. The applicant is son of the deceased. The Mother and wife of the deceased are also passed away earlier. Since, the deceased Bapu Vaman Sambare and Anjanabai Bapu Sambare did not have any children from their marital relationship, they adopted the son of their brother Sheshrao Vamanrao Sambare and accordingly the applicant has been accepted as adopted son by the registered adoption did dated 18/04/1995 and since then the applicant is the son of deceased. Thus, the deceased has no legal heirs other then the applicant. The applicant wants heirship certificate of deceased for government and semi-government work as well as for registered work. Hence, they are constrained to file the present application. Further, the learned counsel for the applicant argued that, applicant are only legal heirs of the deceased. The applicant also filed the adoption did on record.

03. The learned Advocate for the applicant relied upon the Judgment of the Hon’ble Bombay High Court, in the case of **Geeta Dattatray Achari Vs. State of Maharashtra, Writ Petition No.14840/2022 decided on 29 January, 2026**. In this case the Hon’ble Bombay High Court in Para No.09 observed that, “(aa)” *“adoption” means the process through which the adopted child is permanently separated from his biological parents and become the legitimate child of his adoptive parents with all the rights, privileges, and responsibilities that are attached to that relationship”*.

04. Perused the record. I have also gone through the documents placed on the record. In support of the contentions, applicant filed affidavit of examination in chief of applicant (Exh.11). The applicant produced following documents :

- i. Death certificate of deceased **Bapu Vaman Sambare** (Exh.12),
- ii. Death certificate of deceased **Anjanabai Bapu Sambare** (Exh.13),
- iii. Aadhar card of applicant (Article-A)
- iv. Paper publication notice published in the newspaper namely “Dainik Samana” dated 11/12/2025 (Exh.14)

05. It is settled law that, the heirship certificate holder cannot be said to have acquired any right, title or interest in the estate of the deceased. It is seen from death certificate of deceased **Bapu Vaman Sambare** (Exh.12), that he died on 27.07.2012. The applicant has already complied with Rule 2 of the Bombay Regulation VIII of 1827, by issuing public notice. In support of proof of proclamation, public notice publication of “Dainik Samna” dated 11.12.2025 (Exh.14) is placed on record. It is prima-facie appeared from the documents i.e. copy of death certificate of deceased **Bapu Vaman Sambare** (Exh.12) and **Anjanabai Bapu Sambare** (Exh.13), copy of Aadhar cards of applicant (Article A) and unchallenged evidence of applicant that applicant is only legal heirs of deceased. Even after issuance of proclamation, no objection appeared on record till today. On being satisfied with the documentary proof on record and considering relation of applicant with deceased, it is necessary to formally recognized them as legal heir of the deceased. Hence, following order is passed.

- ORDER -

1.	Issue a certificate in the form of Appendix B of the Bombay Regulation VIII of 1827, for declaring applicant as formally recognized heir of deceased Bapu Vaman Sambare on payment of Court Fees.
2.	This certificate is not useful to transfer the any other movable (including money) and immovable property of the deceased.
3.	It is also needless to mention that this certificate does not establish the right of applicant in properties of the deceased by itself.
4.	The certificate is issued subject to provision of Chapter 14 para 312 of the Civil Manual.

(Atul U. Mote)

Malkapur.
Date :03.08.2026

2nd Jt. Civil Judge, Junior Division,
Malkapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order is same, word to word, as per the original order.	
Name of the Stenographer	Shri. G.P. Kharat, (Stenographer-III)
Court	J.M.F.C. Court No.2, Malkapur
Date	03/08/2026
Order signed by the presiding officer on	03/08/2026
Order uploaded on	03/08/2026