

**ORDER BELOW EXH. 27 IN CIVIL M. A. 37/2021.**  
(Passed on 06.06.2023.)

1. Non-applicant nos. 1 and 2 have taken objection to the heirship application placed at Exh. 1 filed under Bombay Regulation.
2. According to non-applicants, the application of heirship, Exh. 1 is not legal. There is no any cause of action to file such application. The applicant Devkabai Baldevsingh Thakur deliberately omitted to mention some movable and immovable properties. Moreover, late Dhirajsingh Baldevsingh Thakur executed the will on 14.02.2021 regarding his movable and immovable properties in favour of non-applicant no. 1. So, she is only sole and exclusive legal heir of the deceased Dhirajsingh Baldevsingh Thakur. Non-applicants admitted remaining contents of the heirship application placed at Exh. 1. Lastly, they requested to rejection of the heirship application.
3. The applicant has already filed her heirship application placed at Exh. 1.
4. Heard Shri.V.P.Tanpure for non-applicants. I have also heard Shri.S.A.Sanap for the applicant.
5. Perused an objection petition placed at Exh. 27 in the light of an affidavit. I have also perused an application of heirship placed at Exh. 1.
6. On careful scrutinize of the objection petition placed at Exh. 27, non-applicants admitted that, non-applicant no. 1 Smt. Sujata is the widow whereas, non-applicant no 2. Janvhi is a daughter of the deceased Dhirajsingh Baldevsingh Thakur. They also admitted that, the applicant

Devkabai is the mother of aforesaid deceased. Such Dhiraj Singh reported to be died on 08.05.2021. As such, the relation of the applicant and non-applicants with deceased Dhiraj Singh is admitted fact. Further, such Dhiraj Singh Baldev Singh Thakur has died on 08.05.2021 is also admitted position to non-applicants.

7. The crucial point of objection is that, deceased Dhiraj Singh Baldev Singh Thakur executed the will regarding his entire movable and immovable properties in favour of non-applicant no. 1. Therefore, as per her contention, she is sole and exclusive owners of those properties. So, the applicant cannot be declared as a legal heir of the deceased Dhiraj Singh Baldev Singh Thakur.

8. Admittedly, this application is filed under provisions of Bombay Regulation VIII of 1827. In this application, the applicant is seeking mere re-cognition of legal heirship. The applicant also impleaded as the party to the Smt. Sujata Dhiraj Singh Thakur and her daughter Janvhi Dhiraj Singh Thakur. Those non-applicants are widow and daughter of the deceased Dhiraj Singh Baldev Singh Thakur. Whereas, the applicant is also real mother of the deceased. So, as per the schedule-I appended in the Hindu Succession Act, 1956, the real mother also falls under category of Class-I heirs of the deceased male. Non-applicants alleged that, deceased Dhiraj Singh was executed the will in favour of non-applicant no. 1. In this application, the right or entitlement of property cannot be decided. This application is mere re-cognition of legal heirship. Therefore, the objection filed by non-applicants placed at Exh. 27 is baseless and not sustainable. In the result, I proceed to pass the following order.

**ORDER**

1. The objection petition placed at Exh. 27 is rejected.
2. The applicant is hereby directed to proceed further accordingly.

Place – Lonar.  
Date :- 06.06.2023.

(V. S. Raut)  
Civil Judge Jr. Division, Lonar.  
J.O. Code : MHBI-02-2830

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. V. S. Raut,  
Judicial Magistrate F.C., Lonar.

Name of Steno : Rajeshwar Dipak Bodhekar.  
Stenographer, Grade - 3, Lonar.

Date : 06.06.2023.