

CNRNO.MHCH180000832026



ORDER BELOW EXH.1

The application is filed vide Section 2 of the Bombay Regulation VII of 1827 (*Hereinafter for convenience refer to as "the Regulation 1827" whenever appears*) claiming formal recognition as to declaration of legal heirship and issuing the certificate to that regard.

2. The application reveals the contentions that applicant No. 1 is widow, applicant No. 2 is son and applicant No.3 is minor daughter of deceased **Manohar Sakharam Upadhye**, who alleged to have died on 20.04.2025, due to cancer, at Vinoba Bhave Hospita, Wardha, Tah. & Dist. Wardha. It is furthermore contended that, at the time of death the deceased was permanently residing within the jurisdiction of this Court. The applicants submitted that for the government, non-government official purpose they requires legal heirship certificate and therefore applied for obtaining the same.

3. The proclamation vide **Exh-06** and paper publication vide **Exh-09** mandated under Section 3 of the Regulation, were issued for inviting objections from the persons other than applicants.

4. Heard learned counsel for the applicants. He submitted in consonance with his application and prayed to allow the application.

5. I have taken the following points for my determination to which I have recorded findings along with the reasons thereof.

Sr.No	Points	Findings
1.	Whether the applicants are legal heirs of deceased and entitled for formal recognition as to the status ?	Yes

2.	What order?	Allowed
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Reasons

As to point no. 1; -

6. Imperative to mention here that section 3 of the Regulation 1827, allows to grant formal recognition as to status to claimant with the deceased. The Regulation further provides that after the proclamation is issued if no-objector appears within the period allowed, then the court is bound to recognize the status. However further requirement of the law is that the claimant should be such who are recognized under the law as legal heirs. It is pertinent to note that in support of application the applicant no. 1 has filed the death certificate of deceased **Manohar Sakharam Upadhye** at **Exh-11**. After the proclamation issued vide **Exh-06** and the paper publication vide **Exh-09**, no-one appeared in the proceeding to raise the objection, which tends to show that except the applicants, there are no other legal heirs to deceased. In the application and oral evidence the applicant No. 1 contended that deceased died on 20.04.2025, whereas the death certificate reveals that the deceased died on 26.07.2025. In this proceeding the factum of death is the point for consideration and resultantly, I am of the considered opinion that the same being evident from the death certificate, mere error in revealing the date of death in application would have no implication. Since, the evidence of the applicant No.1 goes unchallenged there is no reason to disbelieve her testimony and the applicants being the Class-I heir, I hold that the applicants are legal heirs of deceased **Manohar Sakharam Upadhye**. Hence, I answered the point No. 1 in affirmative.

As to point No.2:-

7. In view of findings recorded supra, accordingly I pass the following order.

ORDER

i. The application is hereby allowed.

- ii. The applicants are hereby formally recognized and declared as the legal heirs of deceased **Manohar Sakharam Upadhye**.
- iii. Issue heirship certificate in the name of the applicants.

Place : Korpana.
Date : 24/03/2026

Sd./-
(Rahul A. Rannaware)
Civil Judge Junior Division
Korpana.