

Civil M. A. No. 87/2026

Mirabai Koli

Vs.

Nil

ORDER BELOW EXHIBIT 1

This order shall decide the application by the applicant seeking issuance of legal heirship certificate as per section 2 of the Bombay Regulation VIII of 1827.

2. The case of the applicant in a nutshell is as follows:

She is the mother of **Sukdev Baburao Koli**, who passed away on **14.12.2020** at village Thalner, Taluka Shirpur. He died unmarried. He was resident of village Thalner, Taluka Shirpur, District Dhule. He died leaving behind the aforesaid person as his only legal heir (Herein after referred to as the applicant). Hence, the applicant through this application is desirous of having her right formally recognised by this court. Therefore, she seeks issuance of legal heirship certificate.

3. On receipt of this application, proclamation calling objection to this application came to be issued in daily newspaper "**Apala Maharashtra**" dated **02.02.2026** at exhibit 11.

4. In order to show that the deceased died leaving behind no other legal heir except the applicant, she has filed the following documents alongwith a list of documents at exhibit 03:

- a) Death certificate of the deceased Sukdev Baburao Koli issued by Registrar (Birth and Death), Gram Panchayat Office, Thalner, Taluka Shirpur, District Dhule.

- b) Self Declaration as to being heir of the deceased.
- c) Copy of Aadhar card of applicant.
- d) Copy of Ration card.

5. Following points arise for determination, and I have recorded my findings against them with reasons:

<u>Points</u>	<u>Findings</u>
1. Whether the applicant is entitled to get her right formally recognised by this court?	Yes
2. What order?	As per final order.

REASONS

AS TO POINT NO. 1

6. The applicant published public notice in local daily newspaper "Apala Maharashtra" dated 02.02.2026 and produced paper cutting in the case at exhibit 11. However, till date nobody appeared before this court and objected the claim of applicant. The applicant has filed an affidavit at exhibit 08 which has remain unchallenged. In the affidavit the applicant has sworn that except the applicant there are no other legal heir to the deceased.

7. However, it is necessary to note that as per section 8(a) read with Schedule to the Hindu Succession Act, 1956 only the following persons are considered as class I heirs of a Hindu male dying intestate:

Son, daughter, widow, mother, son of a pre-deceased son, daughter of a pre-deceased son, son

of a pre-deceased daughter, daughter of a pre-deceased daughter, widow of a pre-deceased son, son of a pre-deceased son of a pre-deceased son, daughter of a pre-deceased son of a pre-deceased son, widow of a pre-deceased son of a pre-deceased son, son of a predeceased daughter of a pre-deceased daughter, daughter of a pre-deceased daughter of a pre-deceased daughter, daughter of a pre-deceased son of a pre-deceased daughter, daughter of a pre-deceased daughter of a pre-deceased son.

8. In the instant case, the applicant is class-I heir of the deceased. Hence, she is entitled to get her right formally recognised by this court. In this context, it is just and proper to follow the authority of the Division Bench of the Hon'ble Bombay High Court in *(Aloysius Manuel D'souza & ors. Vs. Mary Kamala William Manuel D'souza 2006 (6) Bom.C.R. 56)*, where the Hon'ble Bombay High Court while interpreting the provisions of Bombay Regulation VIII of 1827 has observed that,

“The grant of heirship certificate does not establish the right of a party in property of the deceased itself. The right, if any, of a person claiming ownership in the property of the deceased is not taken away by grant of heirship certificate to an heir. On the other hand, clause 7 makes it clear that heirship certificate holder is accountable to all persons having an interest in the property for the acts done by him. Based on the heirship certificate holder cannot be said to have acquired

any right, title or interest in the estate of the deceased.”

9. Perused the record and documents filed alongwith. The documents on record are sufficient to issue heirship certificate in the name of applicant as such there is nothing on record which create any impediment to disbelieve her claim. Therefore, I record finding of point no. 1 in the affirmative and after considering the arguments of the learned advocate for applicant, the above ratio laid down by the Hon'ble High Court and the averments in the application, I proceed to pass the following order:

ORDER

1. The application is allowed.
2. The applicant, namely **Mirabai Baburao Koli** is recognised as the legal heir of deceased **Sukdev Baburao Koli**.
3. Issue heirship certificate on the requisite court fees in the name of above mentioned applicant in prescribed form as per rules.

Place :- Shirpur
Date :- 25.03.2026

(**Husna R. Khan**)
Jt. Civil Judge, J.D., Shirpur

CERTIFICATE

I certify that the contents of the PDF File are word to word as per Original Judgment / Order.

Name of the Steno : M. M. More

Name of the Court : Jt. C.J.J.D. & J.M.F.C., Shirpur.

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