

Civil Misc. Appln. No. 1128/2025

Rohini Devidas Shishode & ors

Vs.

Nil

MHDH070032502026

**ORDER BELOW EXHIBIT 1**

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

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

The applicants are the daughters of deceased **Ramdas Tulshiram Patil** and **Kamalbai Ramdas Patil**. It is submitted that **Ramdas Tulshiram Patil** and **Kamalbai Ramdas Patil** passed away on **22.03.1996** and **28.10.2025** at village Waghadi Budruk, Taluka Shindkheda, District Dhule and at Shirpur, Taluka Shirpur respectively. Deceased Kamalbai was resident of village Shingave, Taluka Shirpur. Deceased **Kamalbai Ramdas Patil** died leaving behind the aforesaid persons as her only legal heirs (*Hereinafter referred to as the 'applicants'*). Hence, applicants through this application is desirous of having their right formally recognised by this court. Therefore, they prayed for 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 26.12.2025 at exhibit 11.

4. In order to show that the deceased died leaving behind no other legal heir except applicants, they have filed the following documents along with list of documents at exhibit 03:

- a) Death certificates of deceased Kamalbai Ramdas Patil issued by Registrar (Births and Deaths) Municipality Shirpur-Varwade, Shirpur, Taluka Shirpur, District Dhule.
- b) Self Declaration as to being heirs of the deceased.
- c) Copy of Aadhar card of each 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 applicants are entitled to get their right formally recognised by this court?	Yes
2. What order?	As per final order.

### REASONS

#### AS TO POINT NO. 1 :

6. Applicants published public notice in local daily new paper "Apala Maharashtra" dated 26.12.2025 and produced paper cutting in the case at exhibit 11. However, till date nobody appeared before this court and objected the claim of applicants. Applicants have filed an affidavit at exhibit 08 which has remain unchallenged. In the affidavit, applicants have sworn that except them there are no other legal heir to the deceased.

7. However, it is necessary to note that as per section 15 of the Hindu Succession Act, 1956 the general rules of succession in the case of female Hindu dying intestate are as follows:

- (a) *firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;*
- (b) *secondly, upon the heirs of the husband;*
- (c) *thirdly, upon the mother and father;*
- (d) *fourthly, upon the heirs of the father; and*
- (e) *lastly, upon the heirs of the mother.*

8. In the instant case, applicants are Class-I heirs of the deceased. Hence, they are entitled to get their 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 applicants as such there is nothing on record which create any impediment to disbelieve their claim. Therefore, I record finding of point No.1 in the affirmative and after considering the arguments of the learned advocate for applicants, 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 following applicants are recognised as the legal heirs of **Kamalbai Ramdas Patil**:
  - i. Rohini Devidas Shisode
  - ii. Nutan Yogesh Shewale
3. Issue heirship certificate on the requisite court fees in the name of above mentioned applicants in prescribed form as per rules.

Shirpur.  
Date :- 18.03.2026

( **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.*  
*PDF Uploading Date : 20.03.2026*