

Madrasha Pawara & ors.Vs.Nil**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. It is the contention of the applicants that, applicant No.1 to 3 are sons of deceased **Jirya Rama Pawara** and **Shevantibai @ Shantibai Jirya Pawara**. It is submitted that **Jirya Rama Pawara** and **Shevantibai @ Shantibai Jirya Pawara** passed away on 01.11.2009 and 30.08.2025 at villae Lakadya Hanuman, Taluka Shirpur respectively. The mother of Jirya i.e. Vaharibai Rama Pawara is no longer alive. They further submitted that it would not possible to readily procure her death certificate as the entry of her death have not been taken in the register maintained for the same as per sec.13(3) of Registration of Birth and Death Act, 1969. Deceased was resident of village Lakdya Hanuman, Taluka Shirpur. Jirya Rama Pawara died leaving behind the aforesaid persons as his only legal heirs (Herein after referred to as the applicants). Hence, the applicants through this application are desirous of having their right formally recognised by this court. Therefore, they seek 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 05.01.2026 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 a list of documents at exhibit 03 :

- a) Death certificate of the deceased Jirya Rama Pawara issued by (Births and Deaths Registrar) Gram Panchayat Office, Lakdya Hanuman, Taluka Shirpur, District Dhule.
- b) Self Declaration as to being heirs of the deceased.
- c) Copy of Aadhar card of each applicant.

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

<u>Points</u>	<u>Findings</u>
1. Whether 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 newspaper "Apala Maharashtra" dated 05.01.2026 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 the applicant has sworn that except them there are no other legal heirs 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, all the 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

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the Hon'ble High Court and the averments in the application, I proceed to pass the following order:

ORDER

1. Application is allowed.
2. The following applicants are recognised as the legal heirs of **Jirya Rama Pawara**:
 - i. Madrasa Jirya Pawara
 - ii. Nadarsing Jirya Pawara
 - iii. Pratap Jirya Pawara
3. Issue heirship certificate on the requisite court fees in the name of above mentioned applicants in prescribed form as per rules.

Place :- Shirpur
Date :- 09.03.2026

(**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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