

**IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION, SIRONCHA, DIST.
GADCHIROLI.**

(Presided over by U. B. Shriram)

Civil MA. 04/2026

Exh. No.23.

1.	Naresh Malayya Komari Age:- 31 Yrs., Occu.: Labour,	Applicants
2.	Vyenkatesh Malayya Komari, Age:- 35 Yrs., Occu.: Labour,	
3.	Laxmi Santosh Komari, Age:- 30 Yrs., Occu.: Household,	
4.	Sharvanya Santosh Komari,, Age:-8 Yrs., Occu.: Education, All. R/o. Narayanpur, Tah. Sironcha, Dist. Gadchiroli.	
	<u>Versus</u>	
	None	Non Applicant

Learned Adv. Shri. S. S. Chittawar for the Applicants.

**APPLICATION UNDER RULE 3 OF BOMBAY REGULATION VIII, 1827
FOR GRANT OF LEGAL HEIR-SHIP CERTIFICATE**

JUDGMENT

(Delivered on 04th July, 2026)

Applicants have filed this application under Rule 3 of Bombay Regulation VIII of 1827 for seeking legal heir-ship certificate of deceased.

2. It is contended that, late **Malayya Muttaya Komari** is the father of applicant No. 1 & 2, father-in-law of applicant No. 3 and applicant No. 4 is the grand daughter of deceased. He was died on **04.06.2025** at Warangal, Dist.

Warangal, Telangana. It is further stated that, wife of deceased Malayya Komari namely Sarakka Malaya Komari also died on 16/11/2005 and son of deceased namely Santosh Malayya Komari also died on 06/03/2018.

3. It is claimed that, applicants are the only legal representatives and successors of the benefits arising out of unfortunate death of deceased. Applicants have applied with this case for formal recognition. Applicants mentioned in the application that they require heir-ship certificate for the purpose of benefit of compensate ground and to record their names to the estate of deceased.

4. After receipt of the case, this Court has ordered publication of public notice in reputed Daily newspaper inviting objections on claim of applicants and also directed to issue citation notice. Accordingly, it appears that applicants have published the public notice in Daily Newspaper "**Dainik Navrashtra**" on **19.02.2026** at **Exh. No. 21** and citation was issued and published which is available at **Exh.07**. Since then, no objections have been raised by anybody, as to claim of the applicants.

5. In support of their contention's, applicant no.3 namely **Vyenkatesh Malayya Komari** has filed his affidavit of evidence at **Exh. No.10**. Further, the applicants have

produced the documents along with Ex.11 viz., verified copy of Death Certificate of late **Malayya Muttayya Komari** at **Exh No.13**, verified copy of Death Certificate of late **Sarakka Malayya Komari** at **Exh No.14**, verified copy of Death Certificate of late **Santosh Malayya Komari** at **Exh No.15**, verified copies of Adhar Card of applicants at **Exh No. 16 to 19**, verified copy of ration card of **Laxmi Komari** at **Exh No.20**. Applicants has closed their evidence with pursis at **Exh. No.22**.

6. I have heard learned Advocate **Adv. Shri. S. S. Chittawar** for applicants. He has stressed on the fact that the legal heir certificate is necessary for collecting benefits of unfortunate death of deceased late **Malayya Muttaya Komari**.

7. The Bombay Regulation VIII of 1827 was enacted to provide formal recognition of heirs, executors and administrators and also for appointment of Administrator/Manager of property by the Court. The object of the regulation is to give confidence to person in possession of estate of deceased to take charge of the property. As mentioned earlier, the regulation formally recognizes right of an heir of the deceased person. Rule 2 of the Regulation provides that if no sufficient objection is

offered, the Judge will proceed to receive proof about right of the applicant and, if satisfied, grant certificate of heirship. Rule 3 is also on the same line and it provides that heirship certificate can be granted on satisfaction of the Court.

8. In this context, it is just and proper to follow the authority of division bench of the Hon'ble Bombay High Court in *Aloysius Manuel D'souza and ors. Vs. Mary Kamla William Manuel D'souza 2006 (6) Bombay C.R. 56*. In which the Hon'ble Bombay High court while interpreting the provisions of bombay regulation VIII of 1827 has observed as follows,

" The grant of heirship certificate does not establish the right of a party in property of deceased itself. The right if any, of 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 an 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 deceased."

Therefore, as guided by the above referred citation passed by the Hon'ble High Court, I would like to mentioned that it is well settled that the person seeking heirship certificate does

not derive any right or tittle to the property of deceased under such heirship certificate except to be formally recognized as the heir of the deceased.

9. In present case, the death of deceased **Malayya Muttaya Komari** is established by death certificate and assertions of applicants. After perusal of other documents, it is seen that the applicants are legal heirs of deceased. It is highlighted that the heirship certificate is sought for formal recognition purpose. The assertions of applicants in affidavit are intact as nobody has objected their claim. I find no reason to reject or refuse certification.

10. It is mentioned in the application that the certificate is needed for official purpose. So, in my view, applicants must be formally recognized as heir of the deceased. Therefore, I pass the upcoming order.

ORDER

1. Issue heirship certificate in name of applicants as formally recognized heirs of deceased **Malayya Muttaya Komari** in view of Rule 2 and 3 of Bombay Regulation VIII, 1827, in prescribed form available in Schedule of Regulation.
2. Applicants to furnish necessary Court-Fees for the

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certificate, in light of the valuation of the properties of the deceased.

3. The note mandated by Para 312 of Civil Manual shall be appended to the certificate, without fail.

Date – 04.07.2026.

Place – Sironcha.

(Unmesh B. Shriram)

Civil Judge, Jr. Division, Sironcha.