

MHGA090003772024



**IN THE COURT OF JT. CIVIL JUDGE (JR. DN.), CHAMORSHI**  
(Presided by Shri.S.A. Bhaisare)

**Civil M.A No. 25/2024**

- 1. Vimalbai Sukhadev Chaudhari**  
Age 55 years, Occ. Household,
- 2. Nishikant Sukhadev Chaudhari**  
Age 32 years, Occ. Agriculture,
- 3. Ramesh Sukhadev Chaudhari**  
Age 30 years, Occ. Agriculture,  
All R/o. Priyadarshani,  
Tah.Chamorshi, Dist. Gadchiroli.

... **APPLICANTS**

**-VERSUS-**

-Nil-

... **Non-applicant**

.....  
For Applicants : Learned Adv. A. J. Undirwade  
For Non-applicant : -Nil-  
.....

**ORDER BELOW EXH.1**

(Passed on 23<sup>th</sup> March, 2026)

This is an application for grant of Heirship Certificate under the Bombay Regulation Act VIII of 1827 (for short 'the Act').

02] Applicant's case in brief is as follows :

One Sukhadev Gopinath Choudhari died on 22/12/2022 [hereinafter referred as "deceased"]. The applicant no.1 to 3 are the wife

and children of the deceased respectively. They are in need of Heirship certificate for pension scheme, Government and semi-government work wherever it is necessary, instead of name of deceased.

03] Order passed below Exh.1 regarding issuance of paper publication. Accordingly, the notice is issued and published on 26/11/2024 in daily newspaper "Dainik Punyanagari", circulated in Gadchiroli District. Till today, not a single objection has been received.

04] The following points arise for my determination alongwith my findings and reasoning thereon against each of the points is as follows:

<b>SR. NO</b>	<b><u>POINTS</u></b>	<b><u>FINDINGS</u></b>
1)	Whether the applicants prove that, they are entitled for Heirship certificate, as prayed for ?	Affirmative
2)	What order ?	..As per final order..

### **REASONS**

#### **AS TO POINT NO.1 & 2 :-**

05] Applicant no. 1 Vimalbai has filed her affidavit of Examination-in-chief at Exh.10 and supported the claim. Her testimony has remained unchallenged. Applicants have filed on record the death certificates and other documents. The documents supports the contention of the applicants.

06] The Hon'ble Bombay High Court, Nagpur Bench, in Writ

Petition No.6954 of 2018 (**Smt. Sushilaben Wd/O Ramniklal Vs. Sou. Madhulata Pradumna Gambhir**) 1 February, 2019 in para no.6 observed as follows:

*"A perusal of Section 2 of the aforesaid Act and the application filed by the petitioner thereunder shows that the only prayer made by the petitioner is for grant of heirship certificate to declare that she is the only heir of the deceased Ramniklal Gandecha. A perusal of the objection raised on behalf of respondent no.1 shows that the said respondent has admitted the fact that the petitioner was the only wife of the deceased Ramniklal Gandecha and that they had no children. In view of the aforesaid facts, it would be evident that the claim made in the application filed by the petitioner under the provisions of the said Act, even if granted, would not result in recognition of any rights of the petitioner in respect of the said house property and that an application for mutation before the competent authority, if preferred by the petitioner, would be decided as per law after issuance of notice by the competent authority. Grant of heirship certificate would not ipso facto lead to recognition or crystallization of any rights of the petitioner in the house in question. At best, it would assist the petitioner in claiming that she was entitled to the rights that the deceased Ramniklal Gandecha was entitled, as his only heir."*

07] The Hon'ble Bombay High Court, in **Misc. Petition (L) No.2428/2015 (Ankit Bhagwaticharan Verma (deceased) and Vinita Ankit Verma (petitioner)**, Dated 16/3/2016 in para no.8 observed as follows:

*"This clearly establishes that a certificate issued under Bombay Regulation VIII of 1827 confers no right to any property. It only indicates a person who (for the time being) is in the legal management of it. It can always be annulled on proof that another person has a preferable right"*

08] The unchallenged evidence on record shows that deceased died on 22/12/2022. The applicant no. 1 to 3 are the wife and children of the deceased. The applicants are the legal heirs of the deceased as per section 08 of the Hindu Succession Act. They want to recognize their right formally by the Court. The applicant no.1 to 3 are therefore legally entitled to get the heirship certificate. As per the powers conferred by

Sec. 3 of the Bombay Regulation Act, (VIII of 1827) and Sec. 28-A(1) of the Bombay Civil Courts Act (XIV of 1869) and Civil Manual Para 304 and 305 and in answer to point No. 2, I pass following order:

**ORDER**

1. The application is allowed.
2. The applicant no. 1 to 3 namely, **Vimalbai Sukhadev Chaudhari Nishikant Sukhadev Chaudhari** and **Ramesh Sukhadev Chaudhari** is hereby formally recognized as legal heirs of the deceased **Sukhadev Gopinath Choudhari**.
3. Issue heirship certificate **on payment of court fee as per rules** in the name of applicant no.1 to 3 as per Appendix B of the Bombay Regulation Act, 1827, alongwith note of Sec. 7 of the said Act and with further note in view of para 312, Chapter XIV of the Civil Manual should be appended to the said certificate.
4. Costs on applicant.

Sd/-

Date: 23.03.2026  
Place: Chamorshi

(S.A. Bhaisare)  
Jt. Civil Judge (Jr.Dn.),  
Chamorshi