


MHKO050002542026 	<u>ORDER PASSED BELOW EXHIBIT NO.1</u> <u>IN CIVIL MISC. APPLN. NO. 9/2026</u> <u>Nasaruddin Gulamhusen Mulla (Deceased)</u> <u>Vs.</u> <u>Nobody.</u>
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1. This application is filed by applicant Nos. 1 to 5 for issuance of legal heirship certificate under Section 8 of Bombay Regulation Act of 1827.

2. It is stated by applicant that deceased Gulamhusen Mahamadso Mulla is expired on 18/09/1984 and his wife Mahabubi Gulabsusain Mulla died on 16/09/2008. Their children Najama and Harun died unmarried on 15/10/2021 and on 20/04/2020 respectively. Deceased Gulamhusen and deceased Mahabubi are parents of applicant Nos. 1 to 5. C.S.No. 23966 Gat No. 78/68 Plot No. /30 was purchased by Gulamhusen Mulla which is situated at Kabanur. Applicants are only legal heirs of deceased Gulamhusen and for that purpose, applicants required Succession Certificate through Court. Applicant Nos. 1 to 5 only legal heirs of deceased Gulamhusen Mahamadso Mulla. There are no other legal heirs. So also heirship certificate is required for the purpose of entering their name in Government and Semi-government office in property extract.

3. Son of Gulamhusen and Mahabubi namely applicant No. 1 Nasaruddin and his wife applicant No. 1-A Shakilabi are also died. Applicant No. 1-B is their married daughter.

4. Son of Gulamhusen and Mahabubi namely applicant No. 2 Sannaulla and his wife applicant No. 2-A Mumtaj are also died.

Applicant No. 2-B Mahamadrafi is their son. Their another son applicant No. 2-C Mujib is died. Legal heirs of Mujib are applicant Nos. 2-C-1 to 2-C-4. Applicant No. 2-D Hasina and 2-E Munaf are children of Sannulla and Mumtaj.

5. Son of Gulamhusen and Mahabubi namely applicant No. 4 Moula and his wife applicant No. 4-A Babijan are also died. Applicant No. 4-B Zakirhussain is their son. Their another son applicant No. 4-C Nasirhusen is died. Legal heirs of Nasirhusen are applicant Nos. 4-C-1 to 4-C-5.

6. Applicant No. 3 Nyamati is married daughter and applicant No. 5 Mustafa is son of deceased Gulamhusen and Mahabubi.

7. As per order below Exh. 01 public notice was issued in daily 'Rashtrageet'. Thereby objections were called from public at large. However, no objection from anybody against the claim of applicants for issuing heirship certificate is received. The claim of the applicants has gone unchallenged.

8. The applicant No. 1-B Husanabanu Abdulagani Budhyale has filed his affidavit of examination in chief. She stated therein the applicants are the only legal heirs of the deceased. Death certificates of the deceased Gulamhusen Mulla, Najama Mulla, Harun Mulla, Nasaruddin Mulla, Sannamulla Mulla, Mumtaj Mulla, Mujib Mulla, Moula Mulla, Babijan Mulla and Nasirhusen Mulla and Adhar Cards of applicants, 7/12 extract and Property Card are filed along-with Exh. 3.

9. It is to be noted that the applicants as stated in the application are seeking heirship certificate for legal recognition purpose. In this context it is just and proper to peruse ratio laid down by Hon'ble Bombay High Court in case of ***Group Grampanchayat, Sasavane Vs. Sunanda Shamrao Bandishti and Ors. 2011(2) Mh.L.J. 424.*** It is observed that -

“In a proceeding for heir ship certificate court is not required to determine the title of the deceased to any property. It is required only to consider whether the persons claiming heirship certificate are the heirs of deceased. If any person comes forward to claim nearer kinship than the applicants, the rival claims for the applicant and person claiming nearer kinship and to be an heir would be considered by the court. The court may decline to grant heir ship certificate to any applicant and come to the conclusion that the applicant is not an heir of the deceased or that they are nearer kins who are entitled to heirship certificate. The question of the title to the property allegedly held by the deceased is alien to such inquiry. Whether the deceased had any title to the property is not and indeed cannot be decided by the court in an application for heirship certificate made under the Regulation.”

10. In view of aforesaid observation of the Hon'ble High court, the applicants seeking legal heirship certificate can be granted to be recognized as legal heir of deceased and they are not entitled for any benefit on the basis of said legal heirship certificate without following due process of law. Considering the fact that nobody raised any objection

after issuing paper publication, applicant entitled for heirship certificate of deceased Gulamhusen Mahamadso Mulla. Hence, I pass the following order.

ORDER

1.	Application is allowed.
2.	It is declared that the applicant Nos. 1-B, 2-B, 2-C-1 to 2-C-4, 2-D, 2-E, 3, 4-B, 4-C-1 to 4-C-5 and 5 are legal heirs of deceased Gulamhusen Mahamadso Mulla.
3.	Issue heirship certificate in the name of applicants as recognized legal heirs of the deceased Gulamhusen Mahamadso Mulla.

Ichalkaranji
Date: 06/05/2026

(Akshay R. Kulkarni)
4th Jt. Civil Judge Junior Division,
Ichalkaranji

Certificate

I affirm that the contents of the P.D.F. file judgment are same, word to word, as per the original judgment.

Name of Stenographer	Prachi P. Ichalkaranjkar.
Name of Court	Akshay. R. Kulkarni 4 th Jt. C. J. J. D. & J. M. F. C. Ichalkaranji.
Date of Decision	06/05/2026
Order signed by the PO. on	06/05/2026
Order uploaded on	06/05/2026