


MHKO050002552026 	Received on	19.01.2026
	Registered on	19.01.2026
	Decided on	25.03.2026
	Duration	00 Y. 02 M. 6D

IN THE COURT OF 3rd JT. CIVIL JUDGE (JR.DN.)
ICHALKARANJI
(Presided over by A. M. Gaikwad)

Regular Civil Suit No. 27/2026
Exh.No:

1. Sujata Ramchandra Kurade,
Age. 47 Yrs., Occ. Household,
R/o. Birdev Nagar, Rendal,
Tal. Hatkanangale, Dist. Kolhapur.
2. Swapnil Ramchandra Kurade,
Age- 27 years, Occu. Service,
R/o. As above. ...Plaintiffs
3. Komal Ajay Mane,
Age-30 years, Occu. Household,
R/o. Shalini Nivas, Korochoi,
Tal. Hatkanangale, Dist. Kolhapur.
4. Kajal Akshay Bhosale,
Age-29 years, Occu. Household,
R/o. Vyankateshwara Park, Gadnudshingi,
Tal. Karveer, Dist. Kolhapur.

Versus

Nil.

...Defendant

Suit for Declaration of Civil Death.

Appearance : Mr. R.S. Galatage, Ld. counsel for the
plaintiffs.

J U D G M E N T

(Delivered on 25th day of March 2026)

The instant suit is filed by the plaintiffs seeking declaration of civil death of deceased namely Rajaram Ramchandra Kurade.

Brief facts leading to filing of the instant suit in a nutshell are as follows:-

2. The plaintiff No. 1 is wife and plaintiff No. 2 to 4 are childrens of Ramchandra Rajaram Kurade. On 01/02/2018, he left the house without saying anything to anyone. After a long search, he has not been found till date. The plaintiff No.1 lodged a missing complaint at Hupari Police station. However, the Ramchandra Rajaram Kurade was not found anywhere. The plaintiffs searched to their everywhere for the Ramchandra Kurade, but they could not find him. According to the plaintiffs, it has been more than 7 years since Ramchandra Rajaram Kurade has been missing and therefore, they also gave notice in different newspapers circulated in vernacular. According to the plaintiffs, they searched for Ramchandra Rajaram Kurade at friends, relatives or any other persons would have naturally heard on him if he had been alive. It

is the case of the plaintiffs that even after inquiry with friends, relatives and after lodging missing report, Ramchandra Rajaram Kurade could not be traced. According to them, more than 7 years have lapsed and therefore they pray for declaration of civil death of Ramchandra Rajaram Kurade.

3. According to them for Government, Semi Government, revenue and other official work it is necessary that such declaration is obtained. They lastly pray for declaration that they are the legal heirs of Ramchandra Rajaram Kurade.

4. After filing the instant suit, the plaintiffs also sought publication. Accordingly, the notice was published in the "Daily Mahankary" newspaper, which was filed below Exh. 11. The plaintiffs have placed their reliance upon following documents.

Sr.No.	Document	Exh.No.
1.	Missing FIR lodged in Hupari Police Station	10
2.	Paper publication	11
3.	Paper Bill	12

5. The plaintiff No. 1 has examined herself below **Exh. 9** by filing her affidavit in lieu of examination-in-chief.

6. Following point arise for my determination and I have recorded my findings for reasons thereon:-

S.N	POINTS	FINDINGS
1)	Whether the plaintiffs proved that Ramchandra Rajaram Kurade is missing from 01/02/2018 ?	In the affirmative

<u>S.N</u>	<u>POINTS</u>	<u>FINDINGS</u>
2)	Whether plaintiffs are entitled for relief of declaration as prayed ?	In the affirmative
3)	What order ?	As per final order.

REASONS

As To Point No.1:-

7. Learned Counsel Mr. R.S. Galatage appearing for the plaintiffs submitted in consonance to his pleadings. He submitted that the husband of plaintiff No.1 and father of the plaintiff No. 2 to 4 namely Ramchandra Rajaram Kurade is missing from 01/02/2018 and the missing report lodged at Hupari Police station. He submits that since the year 2017, the husband of plaintiff No.1 and father of the plaintiff No. 2 to 4 is missing and has not been heard by his friends or relatives. He submits that the plaintiffs have also published in newspaper, the notice about the same regarding their father. He submits that the suit is uncontested and no relief is claimed against any of the parties. He lastly submits that as more than 7 years being lapsed and the husband of plaintiff No.1 and father of the plaintiff No. 2 to 4 is still unheard of, declaration may be granted about his civil death. However property of deceased is situated in this Court jurisdiction. Therefore, this Court is having jurisdiction to try this suit.

8. A proclamation issued and duly published inviting objections if any, from any person to grant of heirship certificate to

the plaintiffs. However, nobody appeared before this court within stipulated period of one month after publication of the proclamation to raise any objections for grant of such certificate. Plaintiffs have affirmed that Ramchandra Rajaram Kurade is missing from 01/02/2018 and that all efforts to trace him have been unsuccessful. Plaintiffs have also averred that police were informed and that search was made at different places, but without any avail. Evidence of plaintiffs is unchallenged and it is thus seen that said Ramchandra Rajaram Kurade has been missing and is not heard of for a period of more than 7 years since before the filing of this application. Therefore, in view of the provisions of section 108 of the Evidence Act presumption about his death can be drawn.

9. Considering unchallenged evidence of the plaintiffs, I am of the view that plaintiffs placed satisfactory material on record to show that they are only legal heirs of the deceased Ramchandra Rajaram Kurade. Therefore, there is no difficulty in issuing legal heirship certificate in favour of plaintiffs as prayed. In the result, I answered point No.1 in the affirmative and in order to answer to Point No.2 following order is passed-

ORDER

1. The suit is hereby decreed.
2. It is declared that Ramchandra Rajaram Kurade who is not being heard of continuously for

more than 7 years, is hereby declared to be dead in the eyes of law i.e. civil death.

3. Issue legal heirship certificate in the name of plaintiffs in accordance with para 305 of Civil Manual.
4. Plaintiffs are directed to deposit the court fees according to law.

Dated : 25/03/2026
Ichalkaranji

(Archana M. Gaikwad)
3rd Jt. Civil Judge, Jr. Division,
Ichalkaranji, Dist. Kolhapur