



ORDER BELOW EXH.01 IN CIVIL MISC. APPLN NO.51/2022
(CNRNo.MHKO180006872022)
(Jabbar Patil Vs. Nil)

1. This is an application filed by the applicant, as per Bombay Regulation Act, 1827 for issuance of Heirship Certificate. As per the contention of the applicant, deceased Farukh Mohammad Husain Patil is brother of applicant and deceased Hajrabi Farukh Patil is wife of deceased Farukh Mohammad Husain Patil. Farukh Mohammad Husain Patil died on 02/02/2006 and his wife Hajrabi Farukh Patil is also died on 18/10/2018. There is no any other legal heir except the applicant to the deceased. The applicant is only legal heir of the deceased Farukh Mohammad Husain Patil and Hajrabi Farukh Patil. The legal heirship certificate is required to take mutation entries. Hence, this application is filed.

2. By considering the contention in this application, public notice published in the local newspaper "Mahan Karya" dated 13/10/2022 and called objections. But within prescribed period nobody has raised objection about the claim of the applicant. Citation notice is also issued but nobody approached to this court to raise objection hence the application proceed further and kept for evidence.

3. The applicant adduced his evidence by filing claim affidavit, at Exh.10. In support of his contention, he has filed original copy of Death Certificate of deceased Hajrabi Farukh Patil at Exh.13, photo copy of Death

certificate of Farukh Mohammad Husain Patil at Exh.14, copy of news paper at Exh.9 and closed evidence by filing pursis at Exh.16.

4. In the evidence of the applicant, it is brought on record that, deceased deceased Farukh Mohammad Husain Patil is brother of applicant and deceased Hajrabi Farukh Patil is wife of deceased Farukh Mohammad Husain Patil. Farukh Mohammad Husain Patil died on 02/02/2006 and his wife Hajrabi Farukh Patil is also died on 18/10/2018. There is no any other legal heir except the applicant to the deceased. The applicant is only legal heir of the deceased Farukh Mohammad Husain Patil and Hajrabi Farukh Patil.

5. In the present matter public notice issued in the local newspaper "Mahan Karya", dated 13/10/2022 but within prescribed period nobody raised the objection about claim of the applicant. Proclamation is also on record at Exh.6. Original copy of Death Certificate of the deceased is filed on record, at Exh.13 shows that Hajrabi Farukh Patil died on 18/10/2018 and photo copy of Exh.14 shows that Farukh Mohammad Husain Patil died on 02/02/2006. All documents filed on record corroborates to the oral evidence of the applicant. As nobody appeared and raised objection, the entire testimony and version of applicant's witness has gone unchallenged and unshaken.

6. Therefore, I have no hesitation to place reliance upon the same and conclude that, the applicant is entitled to formally recognized as legal heir of the deceased Farukh Mohammad Husain Patil and Hajrabi Farukh Patil. Under such circumstances, I think, it would be just and proper

to issue Heirship Certificate that, the applicant is legal heir of the deceased.
Therefore, I proceed to pass the following order.

ORDER

- i Application is hereby allowed.
- ii Issue Heirship Certificate in the name of the applicant as he is the legal heir of deceased Farukh Mohammad Husain Patil and Hajrabi Farukh Patil.
- iii Certificate be issued, after payment of requisite court fees, as per schedule I Article 12 of the Bombay Court fees Act.

Dt.02.01.2023.

(S.S.Ingle)
Civil Judge (J.D.), Kurundwad.