



ORDER BELOW EXH.01 IN CIVIL M.A.No.15/2026
[Smt. Ajamatbi Ainuddin Mujawar And ors. v. Nil]

This is an application for issuance of legal heirship certificate under Section VIII (2) of the Maharashtra Regulation Act.

02. Applicants contended that, husband of applicant No.1, father of applicant Nos.2 to 4 and 6 and grand-father of applicant Nos.5(A) to 5(D) namely Ainuddin Hasan Mujawar died on 31.10.2006. Applicants are the only legal heirs of Ainuddin. Applicants required legal heirship certificate of Ainuddin for legal recognition. Hence, they constrained to file present application.

03. The public notice (Exh.12) was published in the daily newspaper "Dainik Mahan Karya", Kolhapur Edition, at Page No.05, dated 20.05.2026 and thereby called objections from the public at large. However, no any objection from anybody received against claim of applicants. Hence, present application remain unchallenged.

04. Heard learned advocate Shri. S.N.Danwade for applicants, at length.

05. In support of the application, applicant No.4 has filed his evidence affidavit vide Exh.09. He deposed that, applicants are the only legal heirs of deceased Ainuddin Hasan Mujawar. Applicants have filed on record death certificate of deceased Ainuddin Hasan Mujawar vide Exh.10 and death certificate of

deceased Julekha Abdulgani Jaina vide Exh.11. Applicants have also filed on record xerox copies of Aadhar Card of applicants along with list of documents (Exh.03).

06. Applicants have filed present application seeking legal heirship certificate for legal recognition. In the case of **Group Grampanchayat, Sasavane Vs. Sunanda Shamrao Bandishti and others reported in [2011(2) Mh.L.J. 424]**, the Hon'ble Bombay High Court has observed as under -

“In a proceedings for heirship certificate, the Court is not required to determine title of the deceased to any property. It is required only to consider whether the persons claiming heirship certificate are the heirs of the deceased. If any person comes forward to claim nearer kinship than the applicants, the rival claims for the applicant and the person claiming nearer kinship and to be an heir would be considered by the Court. The Court may decline to grant heirship certificate to any applicant and come to the conclusion that the applicant is not an heir of the deceased or that there are nearer kins who are entitled to the heirship certificate. The question of 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 a heirship certificate made under the Regulation.”

07. On perusal of the contents of the application it shows that, applicants required legal heirship certificate of Ainuddin for legal recognition. Hence, in view of the observations of the Hon'ble Bombay High Court in the case of **Group Grampanchayat,**

Sasavane (Supra) the present application is required to be allowed to the extent that, applicants are legal heirs of deceased Ainuddin Hasan Mujawar and they are not entitled for any other benefits on the basis of the legal heirship, without following due process of law. Resultantly, I pass following order :-

:: ORDER ::

1. Issue legal heirship certificate in the name of applicants, on payment of necessary Court Fee stamp.
2. Applicants shall not be entitled to claim any other benefit, without following due process of law, on the basis of said legal heirship certificate issued in their name.
3. Applicants shall make compliance as per Chapter XIV of the Civil Manual.
4. Accordingly, the application is disposed of.

(Dictated and pronounced in the open Court)

Date : 09.07.2026.

(Balasaheb S. Gaikwad),
Civil Judge Junior Division,
Kurundwad.