


<u>MHKO190006942025</u> 	<u>ORDER PASSED BELOW EXH.1</u> IN <u>Civil.M.A.No.48/2025</u> <u>Sharda Ashok Nille Vs. None</u> <u>[Date:10/03/2026]</u>
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The present application is filed under the provisions of the Bombay Regulation VIII of 1827 for issuance of heirship certificate.

Applicants' case in short is as follows :-

2. Applicant is the mother of Vaibhav Ashok Nille. The said Vaibhav Nille (son of the applicant) was resident of village Sonyachi Shirol, Tal. Radhanagari, Dist. Kolhapur. He left the house in the year 2013 without informing anyone. Therefore, on 04/10/2014 the applicant had lodged missing report bearing No.02/2014 in Radhanagari Police Station. But he could not trace out. Since last 12 years no one heard about the son of the applicant. The house property and agricultural land are registered in the name of the son of the applicant. The applicant made an application to concerned revenue officer i.e Talathi for mutation of her name to the revenue record of agricultural property. However, he has asked for order from the Court. Hence, the applicant filed the present application. It is further submitted by the applicant that she is the only legal heir of her son namely Vaibhav Nille. Lastly, she prayed that the application may kindly be allowed and legal heirship certificate may be issued in her favour.

3. After receipt of the application, paper proclamation and citation notice were issued. Accordingly, citation notice duly published vide report Exh.6. Paper proclamation was published in daily newspaper "Nav-Sandesh", dated 15.10.2025 (Exh.11) and objections were called from public at large. But no one appeared in this proceeding and raised any objection. Hence, this application is proceeded further.

4. Perused the application, documents and evidence on record. Heard the learned counsel for the applicant.

5. In support of contentions the applicant has filed her evidence affidavit at Exh.12. She also filed missing complaint report given by Police Station, Radhanagari at Exh.9, letter issued by Gram Mahasul Adhikari, Sonyachi Shirolu at Exh.10 and heirship certificate issued by Police Patil of village Sonyachi Shirolu at Exh.16. The applicant filed copy of News paper "Nav-Sandesh", dated 15.10.2025 at Exh.11. The public notice was published in the said news paper. The applicant has also relied on the judgment of the Hon'ble Bombay High Court passed in the case of *Vijaya Shrikant Revale v. Shirish Shrikant Revale and Others 2016 DGLS(Bom.)1846.*

6. Perused the evidence affidavit filed on oath by the applicant, the documentary evidence i.e missing complaint report given by Police Station, Radhanagari (Exh.9) and heirship certificate issued by Police Patil of village Sonyachi Shirolu (Exh.16). Police Station, Radhanagari issued certificate (Exh.9) that they are taking search of Vaibhav Nille. Certificate at Exh.16 also shows that Vaibhav Nille is missing since 2013 i.e prior to 12 years of issuance of those certificates. Exh.9 and 16 came to be issued on 13/09/2025 and on 02/12/2025 respectively. From the missing report (Exh.9) it appears that Vaibhav Nille is missing since 2013 and the said report was lodged on 04/10/2014.

7. In the case of *Vijaya Shrikant Revale (supra)* it is held that "the inquiry under Section 372 of Bombay Regulation Act is limited. However, the Court which conduct the inquiry under Section 372 of the Act is Civil Court and therefore the said Court is competent to decide the issue

of declaration of death of person under Section 108 of Indian Evidence Act." The ratio in above case law can be applied to the present application.

8. In the present case the applicant has given information in the police station about the missing of her son and the missing report bearing No.02/2014 has been registered on 04/10/2014. Even the said fact has been admitted by the Gaon Kamgar Police Patil of village Sonyachi Shirol. The police in their report stated that they have been took search of Vaibhav Nille since 04/10/2014 to till today. However he is not found and his whereabouts are not known. On perusal of record it appears that more than 12 years have passed and the whereabouts of Vaibhav Nille are not known. On filing of the present application paper publication has been issued. However, no one appeared in the present application and heirship certificate is not contested on any issue. Therefore, the aforesaid case law relied by the applicant is applicable to the present case.

9. Considering the aforesaid discussion as well as oral and documentary evidence of the applicant, it reveals that applicant is only legal heir of the Vaibhav Ashok Nille. In such circumstance, the application deserves to be allowed. Hence, I proceed to pass following order:-

- O R D E R -

1. The application is allowed.
2. Issue heirship certificate in the name of applicant recognizing her as legal heir of Vaibhav Ashok Nille.
3. Para Nos.312 and 313 of Civil Manual shall be stated at the end of heirship certificate for its compliance.

Date:10/03/2026

(R. D. Shinde)
Civil Judge Junior Division,
Radhanagari.