

MHLA090003842026



ORDER BELOW EXH.1 IN CIVIL MISC. APPLICATION
NO.126/2026
(Shakhnam and others Vs. Nil)

This application is presented by the applicant for issuance of heirship certificate vide Rule 1 and 2 of Bombay Regulation Act, 1827.

2. It is submitted by the applicant that, **Khudus Ismail Sayyed** died on **30/09/2022** at Udgir, Tal. Udgir, Dist. Latur leaving behind person mentioned in the application. Also mother of the deceased namely **Taherabi Ismail Sayyed** died on **14/06/2015**. The person mentioned in the application are the only legal heirs of the deceased **Khudus Ismail Sayyed**. Hence, applicant has filed present application and prayed to issue the certificate in their name.

3. After presentation of this application, publication came to be issued in daily newspaper “**Yashwant**” on **13/02/2026** filed at **Exh.12**. However, despite of lapse of prescribed time, nobody appeared and raised objection to it till the date.

4. Perused the record. Heard Learned Advocate for the applicant. Following points arise for my determination to which I record my findings with reasons as under:

Sr.	Point	Findings
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No.		
1.	Whether the applicant is entitled for grant of heirship certificate, as prayed ?	Affirmative.
2.	What order ?	As per final order.

REASONS

As to points No.1 & 2:

4. In support of application, applicant Shakhnam Khudus Sayyed has filed affidavit in lieu of examination-in-chief at **Exh.13** and reiterated the contention in the application. Applicant has filed photo copy of death certificate of deceased **Khudus Ismail Sayyed**. From the evidence on record, it is clear that, **Khudus Ismail Sayyed** is no more.

5. The Hon'ble Bombay High Court in case of **Ganpati Vinayak Achwal in Writ Petition No.2177 of 2014** has held that, an heirship certificate does not bestow the status of an heir upon a person. Grant of such certificate is only formal recognition of his existing status as an heirs. In present case, relation between the deceased and persons mentioned in para No.2 of the application is not in dispute as nobody appeared and raised objection to the application. So, his contention is that, the persons mentioned in the application are the only legal heirs of deceased **Khudus Ismail Sayyed** remain unchallenged and unshattered. There is nothing on record to show anything contrary to the application. Therefore, considering all these aspects, there appears merit in the application. Hence, considering all the discussion together, I answer point No.1 in affirmative and in

answer to point No.2 pass the following order.

ORDER

1. Application is allowed.
2. Issue Heirship Certificate in the name of persons mentioned in Para No.2 of the application showing them as legal heirs of deceased **Khudus Ismail Sayyed** on payment of requisite Court fees.
3. Court fees shall be payable as per Article XII of Maharashtra Court Fee Act.
4. Granting of this Heirship certificate shall not affect title of the property of the deceased.
5. The applicants are directed to furnish full and true inventory of all the property/credits received by them under this certificate within six months. A note to that effect be made in the certificate as per provision contain in Chapter XIV Para 312 of the Civil Manual.

Place:Udgir

Date: 23/04/2026

(K. A. Yadav)

2nd Jt. Civil Judge J.D., Udgir