

MHLA090013022026 	Order below Exh.1 Civil Misc. Appln; No.412 of 2026 Gavlanbai & oths. Vs. nil
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- 1) Perused present application filed by the applicant for Heir-ship Certificate as per Sec.2 of Bombay Regulation Act of 1827.
- 2) After presentation of application for the Heir-ship certificate, on application Exh.1 preferred by the applicant proclamation notice was issued. The proclamation notice was published in the daily newspaper namely “Daily Yeshwant” edition on 7-5-2026, but till today no objection was offered for grant of Heir-ship certificate in favour of the applicant from any person.
- 3) As per Civil Manual Chapter XIV paragraph 304. This Court has jurisdiction to grant undisputed heir-ship certificate.
- 4) The present application of Heir-ship certificate is signed and verify by the applicant Gavlanbai Shivaji Hiwrale sworn affidavit of the contents of the application Exh.1 and he also filed a duly sworn affidavit of the contents at Exh.11. Applicant’s has filed evidence close pursis at Exh.13.
- 5) As per the contents of application, **Shivaji Nivratti Hivrale** was died on 30/9/2025 at Gandhi Hospital, Begumpet-Hyderabad.
- 6) Applicant’s have filed death certificate of **Shivaji Nivratti Hivrale** at Exh.-12, which shows that he died on 30/9/2025. Applicant’s submitted that, applicants are wife and sons of Late **Shivaji Nivratti Hivrale**. It is further submitted by the applicant’s that, there are no other

surviving direct and legal heirs and they are only legal heirs of the above mentioned deceased person.

7) The applicants submitted that, there is impediment u/s.2 of Bombay Regulation VIII of 1827 or under any of the provisions of this act or any other enactment to the grant of heir ship certificate or the validity there of, if it was granted.

8) The applicants orally submitted that, no other application for heir ship certificate, probate, letter of administration regarding the deceased was ever preferred by them by any other person, even before this Court or any Court in India or in Foreign Court. The applicant further submitted that, if the above information was discovered false in future, then they liable for penal action u/s. 198 of Indian Penal Code.

9) It is also submitted by the applicants that, no Will was executed by the deceased and the deceased died intestate.

10) Considering the application and affidavit, I am satisfied that, there is ground for entertaining the application, therefore it is necessary to decide present unchallenged application in summary manner. Considering evidence on record, it is necessary to grant heir ship certificate of the deceased, in respect of purpose and prayer mentioned in the application. Hence, the order.

ORDER

1. Present application is allowed.
2. Gavlanbai Shivaji Hivrare, Madhav Shivaji Hivrare and Datta Shivaji Hivrare are declared as legal heir's of deceased **Shivaji Nivratti Hivrare**.
3. The applicant is directed to furnish necessary Court fees stamps in terms of provisions of Bombay Court Fees Act, 1870

within 30 days from the date of this order.

4. The applicant is directed to give bond with one or more sureties of Rs.1,00,000/- (Rs. One Lakh only) in this Court as condition precedent for obtaining heir ship certificate.

5. If it is brought to the notice of this Court that -

a) The proceeding to obtain certificate was defective,

b) The certificate was obtained fraudulently by making a false suggestion, or by the concealment from the Court or something material to the case,

c) Certificate was obtained by means of an untrue allegations of fact essential in point of law to justify the grant, thereof, though such allegation was made in ignorance or in adventively,

d) The certificate was become useless and in-operative through circumstance and,

e) A decree or order made by a competent Court in a suit or other proceedings with respect to effect comprising property rights specified in the certificate renders it proper that the certificate should be revoked, Then the heir ship certificate granted shall be liable for revocation and in that circumstance the applicant shall be liable to surrender the certificate before this Court.

6. The applicant in whose favour this certificate is granted, or their representatives are required as per civil manual chapter XIV para. 312. within 6 months from the date of this certificate, or within such further time, as the Court may from time to time, appoint to exhibit in this Court a full and true inventory of all the property and credits in their possession under this certificate and also within one year from the same date or within such further

time, as the Court may from time to time appoint, render to this Court a true account of the said property and credits, showing the assets which have from to their hands and the manner in which they have been applied or disposed of, if the applicant failed to do this, they will be liable to punishment u/s. 176 of the Indian Penal Code, in accordance with sections 317 & 390 of the Indian Succession Act 39 of 1925.

7. On compliance of necessary formalities in this order, a Heirship certificate in terms of schedule B of the Bombay Regulation, 1827 shall be given to the applicant.

8. Present application is accordingly disposed of for the compliance by the applicant.

Date : 17-7-2026

(Smt. S. J. Shinde),
IInd Jt. Civil Judge J. D., Udgir,
Dist. Latur.