

MHLA090043202025



**ORDER BELOW EXH.1 IN CIVIL MISC. APPLICATION**  
**NO.1043/2025**  
**(Sudhakar 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, **Rukmin Bhimrao Biradar** died on **23/04/2025** at Hulsoor, Tal. Kamalnagar, Dist. Bidar, State Karnataka leaving behind person mentioned in the application. Also husband of the deceased namely **Bhimrao Atmarao Biradar** died on **20/11/2010** and one son of the deceased namely **Bhanudas Bhimrao Biradar** died on **16/01/2025** at Hulsoor. The person mentioned in the application are the only legal heirs of the deceased **Rukmin Bhimrao Biradar**. 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 "**Siddheshwar Samachar**" on **07/01/2026** 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. No.	Point	Findings
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 Sudhakar Bhimrao Biradar 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 **Rukmin Bhimrao Biradar**. From the evidence on record, it is clear that, **Rukmin Bhimrao Biradar** 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.3 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 **Rukmin Bhimrao Biradar** remain unchallenged and unshattered. There is nothing on record to show anything contrary to the application. The applicant has

filed pursis and informed that the heirship certificate may be issued in the name of Sudhakar Biradar and Dhanwantabai Harigundu. 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 **only** in the names of **Sudhakar Bhimrao Biradar** and **Dhanwantabai Shivaji Harigundu** showing them as legal heirs of deceased **Rukmin Bhimrao Biradar** 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

(K. A. Yadav)

Date: 28/04/2026

2<sup>nd</sup> Jt. Civil Judge J.D., Udgir