

MHLA140001842026

Civil M.A.No.80/2026



Order Below Exh. No.1

This is an application filed by the applicant for issuance of Heirship Certificate under Bombay Regulation VIII (2), 1827. In support of his claim, he has filed documents along with list Exh.4 and affidavit of evidence (Exh.11).

2. It is contended by the applicant that his father namely Rudrappa Baswanappa Sagare died on 05.09.2025 at AUSA Tq. AUSA Dist. Latur. At the time of death, deceased Rudrappa Baswanappa Sagare lived with said applicant and legal heirs No.1 to 4 mentioned in paragraph No. 6 of the present application. Except the applicant and legal heirs No. 1 to 4 mentioned in paragraph No. 6 of the present application deceased Rudrappa Baswanappa Sagare has no any other legal heirs. The applicant has filed the death certificate of Ratnabai Sagare vide Exh. No. 16. Thus, applicant prayed to issue heirship certificate in their name.

3. In support of his claim, applicant filed documents *viz.*, original copy of death certificate of deceased Rudrappa Baswanappa Sagare (Ex.17). From death certificate (Exh.17) it reveals that Rudrappa died on 05.09.2025. The applicant and legal heirs have filed the photocopy of their Aadhar-card on record. The bailiff report is at the Exh. No.13.

4. After completion of all formalities, publication was made

in the daily news paper 'Dainik Gurudharm' dated 24.01.2026 at Exh.10 and objections were called. But after publication, nobody has raised any objection regarding the claim of the applicant till date. The contentions of applicant have been supported by his affidavit (Exh.11). Applicant has filed evidence close purshis (Exh.12). Thus, since there is no objection received within stipulated period regarding the claim of applicant, in my opinion, applicant and legal heirs No. 1 to 4 mentioned in paragraph No. 6 of the present application are the only legal heir of deceased Rudrappa Baswanappa Sagare. As the applicant and legal heirs No. 1 to 4 mentioned in paragraph No.6 of the present application being the legal heirs of deceased Rudrappa Baswanappa Sagare prayed to issue Heirship Certificate in their name. Considering the evidence placed before me and the fact that claim of the applicant remaining unchallenged, it appears that applicant and legal heirs No. 1 to 4 mentioned in paragraph No. 6 of the present application are legal heir of deceased Rudrappa Baswanappa Sagare. Hence, it would be just and proper to issue Heirship Certificate in favour of applicant as prayed.

5. It is well settled position of law that Bombay Regulation II of 1827 provides for **mere formal recognition of heirs**, executors and administrators and for the appointment of administrators and managers of property by the Courts and the certificate does not create or confirm any rights, title or interest in itself.

6. In view of above discussion, it is crystal clear that applicant has *prima-facie* proved his claim for issuing heirship certificate, and there is no bar to issue the same in his favour. In the result, I pass the following order:

ORDER

1. Application is allowed.
2. Issue heirship certificate in favour of applicant and legal heirs No. 1 to 4 mentioned in paragraph No.6 of the present application after depositing requisite Court-fees as per Schedule I Article 12 of Maharashtra Court Fees Act 1959.
3. The applicant to file full inventory of all the properties and credits of deceased **Rudrappa Baswanappa Sagare** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicant and legal heirs No. 1 to 4 mentioned in paragraph No.6 of the present application are the heirs of deceased Rudrappa Baswanappa Sagare. It does not create or confirm any rights, title or interest in itself.

(Dictated and pronounced in open Court)

Ausa.
Date: -18.04.2026

(Smt. S. H. Nalawade)
3rd Jt. Civil Judge Jr.Dn., AUSA.