

MHLA140006552026

Civil M.A.No.227/2026



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.10).

2. It is contended by the applicant that his mother namely Kashibai Vaijnath Kote died on 02.04.2015 at Sarola Tq. AUSA Dist. Latur. At the time of death, deceased Kashibai lived with said applicant. Except the applicant deceased Kashibai Vaijnath Kote has no any other legal heirs. 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 Kashibai Vaijnath Kote (Exh.15). From death certificate (Exh.15) it reveals that Kashibai Vaijnath Kote died on 02.04.2015. The applicant has filed the photocopy of his Aadhar-card on record. The bailiff report is at the Exh. No.11.

4. After completion of all formalities, publication was made in the daily news paper 'Dainik Vishwauday' dated 10.03.2026 at Exh.09 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.10.

The applicant has filed his evidence closed purshis at the Exh. No. 12. Thus, since there is no objection received within stipulated period regarding the claim of applicant, in my opinion, applicant is the only legal heir of deceased Kashibai Vajjnath Kote. As the applicant being the legal heir of deceased Kashibai Vajjnath Kote prayed to issue Heirship Certificate in his name. Considering the evidence placed before me and the fact that claim of the applicant remaining unchallenged, it appears that applicant is legal heir of deceased Kashibai Vajjnath Kote. 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 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 **Kashibai Vajjnath Kote** under this

certificate as per para 312 of the Civil Manual.

4. This heirship certificate mere formally recognized that applicant is the heir of deceased **Kashibai Vajjnath Kote**. It does not create or confirm any rights, title or interest in itself.

(Dictated and pronounced in open Court)

Ausa.
Date: -09.06.2026

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