

**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 Avantika Ganpati Gire died on 12.01.2026 at Borfal, Tq. Ausa, Dist. Latur At the time of death, deceased Avantika Ganpati Gire lived with said applicant and legal heirs No. 1 to 5 mentioned in paragraph No. 4 of present application. Except the applicant and legal heirs No. 1 to 5 mentioned in paragraph No. 4 of present application, deceased Avantika Ganpati Gire have no any other legal heirs. The applicant has filed the death certificate of Ganpati Bhaguji Gire vide Exh.No.15. 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 Avantika Ganpati Gire (Ex.13). From death certificate (Exh.13) it reveals that Avantika Ganpati Gire died on 12.01.2026. The legal heirs of present deceased have filed the photocopy of their Aadhar-card on record. The bailiff report is at Exh. No.12.

4. After completion of all formalities, publication was made in the daily news paper 'Dainik Vishwauday' dated 15.04.2026 at

Exh.9 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). Applicant has filed evidence close purshis (Exh.11). 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 5 mentioned in paragraph No. 4 of present application are the only legal heirs of deceased Avantika Ganpati Gire. As the applicant being the legal heirs of deceased Avantika Ganpati Gire, prayed to issue Heirship Certificate in their name. On the perusal of record it appears that, Anita Ganpati Gire who is sister of deceased Avantika Gire is included as legal heir. As per the provision of Hindu Succession Act she would not be legal heir of deceased Avantika Gire in the presence of her children. Considering the evidence placed before me and the fact that claim of the applicant remaining unchallenged, it appears that applicant and legal heirs i.e. 1 to 4 only mentioned in paragraph No. 4 of present application are legal heirs of deceased Avantika Ganpati Gire. Hence, it would be just and proper to issue Heirship Certificate in favour of applicant and legal heir Nos. 1 to 4 mentioned in paragraph No. 4 of present application 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 to pass the following order

ORDER

1. Application is partly allowed.
2. Issue heirship certificate in favour of applicant and legal heir Nos. 1 to 4 mentioned in paragraph No. 4 of 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 **Avantika Ganpati Gire** under this certificate as per para 312 of the Civil Manual.
4. This heirship certificate mere formally recognized that applicant and legal heir Nos. 1 to 4 mentioned in paragraph No. 4 of present application are the heirs of deceased **Avantika Ganpati Gire**. It does not create or confirm any rights, title or interest in itself.

(Dictated and pronounced in open Court)

Ausa.

Date: - 22.06.2026.

(Smt. S. H. Nalawade)

3rd Jt. Civil Judge Jr.Dn., AUSA.